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Report of the Special Rapporteur on the human rights of internally displaced persons

Note by the Secretariat

The present report provides an account of the activities undertaken by the Special Rapporteur on the human rights of internally displaced persons in key priority areas identified by the Special Rapporteur, including challenges relating to the human rights of internally displaced persons that remain unresolved, including the integration of humanitarian and development responses to displacement, the vulnerability of marginalized groups to displacement and the importance of consultation with and the participation of displaced persons in the search for durable solutions.

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2. The Special Rapporteur pays tribute to Francis Deng, the Representative of the Secretary-General on internally displaced persons for the period 1992-2004, and Walter Kälin, the Representative of the Secretary-General on the human rights of internally displaced persons from 2004 to 2010. He thanks them sincerely for their unreserved support during his tenure as Special Rapporteur.

3. In the first section, the Special Rapporteur provides an overview of his activities over the reporting period and progress relating to key priorities that he had identified for his work. In the second section, he considers some major challenges and emerging issues for consideration by all stakeholders relating to the human rights of internally displaced persons.

4. The Special Rapporteur thanks the numerous entities that have supported and assisted his mandate during his tenure, including Member States, United Nations agencies, international and national non-governmental organizations, civil society organizations and volunteer groups, academic and research organizations and numerous other stakeholders. He is grateful for the support provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR). In order to maximize its impact, the mandate also relies on the additional support provided by the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees (UNHCR), with which he has built fruitful and effective partnerships. Memorandums of understanding with both offices have enabled the flow of information and exchange of expertise and initiatives and have allowed additional mandate support staff to be located in both offices.

II. Activities of the Special Rapporteur

10. In its resolution 23/8, the Human Rights Council mandated the Special Rapporteur to address internal displacement, in particular by mainstreaming the human rights of internally displaced persons into all relevant parts of the United Nations system, strengthening the international response to internal displacement, engaging in coordinated international advocacy and action for improving protection and respect of the human rights of such persons, and continuing and enhancing dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors.

World Humanitarian Summit

13. The Special Rapporteur considers the World Humanitarian Summit, to be held in Istanbul in May 2016, to be a unique and timely opportunity to refocus attention on the situation of internally displaced persons and explore new approaches to protection and assistance at the national and international levels. He welcomes the report of the Secretary-General for the World Humanitarian Summit, entitled "One Humanity: Shared Responsibility"[1] and its timely and critical call to set a target to reduce new and protracted internal displacement by 50 per cent by 2030, monitored through targets and indicators. The Special Rapporteur emphasizes that this must be achieved through securing durable solutions that are sustainable and through prevention of new displacement.

14. This important call for action will require the development of prevention and response strategies and national action plans recognizing that national Governments have the primary responsibility for the protection of internally displaced persons. Of particular importance is the focus of the Summit on obtaining high-level commitments by Member States. The Special Rapporteur supports the call of the Secretary-General for humanitarian and development actors to work together differently and collaboratively towards collective outcomes in the measurable reduction of displacement and achieving durable solutions for such persons.

15. The Special Rapporteur participated in Summit preparation events, attending three regional consultations for West and Central Africa in Côte d'Ivoire on 19 and 20 June 2014, for the Middle East and North Africa in Jordan from 3 to 5 March 2015 and for Latin America in Guatemala from 5 to 7 May 2015, and the global consultation held in Geneva from 14 and 16 October 2015. In January 2016, he attended the African Union Summit in Addis Ababa and participated in an event aimed at galvanizing African leaders to continue their engagement in the Summit preparation process and to strengthen dialogue among African States. He urged enhanced attention to internal displacement, including through implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

B. Engagement with countries

16. In accordance with his mandate, the Special Rapporteur has consistently engaged with States and has sought constructive and transparent dialogue with them. He thanks the many States that he has engaged with or visited for their cooperation. During his tenure as mandate holder, and up until March 2016, he conducted 15 official missions to Azerbaijan, Côte d'Ivoire, Georgia, Haiti, Honduras, Iraq, Kenya, the Maldives, the Philippines, South Sudan, Sri Lanka, the Sudan, the Syrian Arab Republic and Ukraine. The Special Rapporteur also visited Serbia and Kosovo.[2] Before the end of his mandate, agreements have also been reached to make official visits to Afghanistan and Nigeria. Other official visits have been requested by the Special Rapporteur to Colombia and Mexico, and he encourages those countries to respond favourably to his requests.

17. The Special Rapporteur has conducted working visits and follow-up visits to numerous countries during his tenure as mandate holder. During the reporting period, he conducted working visits to the African Union in Ethiopia, and to Kenya, South Sudan, Uganda and Zambia between 17 August and 26 September 2015, in order to consult with

[1] http://sgreport.worldhumanitariansummit.org.

[2] All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

the Governments of those States, the United Nations and other stakeholders on progress in implementing the Kampala Convention. Before the end of his mandate, he also plans to make working and follow-up visits to Azerbaijan, Burundi, the Democratic Republic of the Congo, Georgia, Haiti, Honduras, Kenya, Mexico, Nigeria and Ukraine.

Iraq

18. The Special Rapporteur undertook an official visit to Iraq from 9 to 15 May 2015.[3] The humanitarian situation of internally displaced persons is grave and strengthening humanitarian assistance and protection must be a high priority. New waves of displacement have increased the pressure on the Government and already overstretched humanitarian partners. Violence perpetrated by the so-called Islamic State in Iraq and the Levant (ISIL) appears to be part of a systematic strategy to remove some ethnic and religious communities permanently from areas where they have lived for centuries.

19. The Government must intensify its efforts to protect and assist internally displaced persons on the basis of legal and policy frameworks, conforming to international standards, established to better meet the immediate, medium-term and long-term needs and human rights of such persons. Despite being a middle-income country, the resources of Iraq have diminished and additional donor funding is required to help alleviate the human suffering of internally displaced persons and make progress towards durable solutions for them. The international community must remain a consistent and reliable humanitarian and development partner.

Syrian Arab Republic

20. From 16 to 19 May 2015, the Special Rapporteur visited the Syrian Arab Republic. The conflict has caused more than half of the Syrian population to flee their homes, both as internally displaced persons and refugees. Without urgent action to end the conflict hundreds of thousands more are likely to be internally displaced. The extent of the protection and humanitarian needs is overwhelming. While many have made the decision to seek safety outside the country, many who remain internally displaced or besieged in the Syrian Arab Republic are at the greatest risk of violence and violation of their human rights.

21. It is imperative that internally displaced persons receive the attention and protection which they so urgently require within the Syrian Arab Republic. The main responsibility for such persons lies with the Government, however all parties to the conflict must fulfil their responsibilities under international law and relevant standards. Consistent and coordinated responses are required by the Government working in partnership and ensuring free and unfettered access to all affected areas by humanitarian actors. Equally, livelihoods, education and early recovery programmes for internally displaced persons should be stepped-up.

The Philippines

22. The Special Rapporteur undertook an official visit to the Philippines from 21 to 31 July 2015.[4] Typhoon Haiyan caused the death of thousands and displaced more than 4 million people. The Government has made significant progress in providing transitional homes for internally displaced persons and restoring infrastructure. Progressive policies, such as the "build back better" initiative, seek to mitigate the impact of future events,

[3] See A/HRC/32/35/Add.1.
[4] See A/HRC/32/35/Add.3.

recognizing that the Philippines is on the front line of the adverse effects of climate change-related extreme weather events. However, over two years on, attention to internally displaced persons and resources allocated to them appear to be waning. Many lack adequate housing and access to basic services, water, sanitation and electricity.

23. A law on the rights of internally displaced persons has been debated for over a decade without adoption, which sends the wrong signal about the commitment of the Government. In Mindanao, multiple displacement due to conflict and disaster has become the common pattern in some localities. Intensified efforts are required to achieve lasting peace and provide durable solutions for internally displaced persons. Armed conflict, extractive and logging activities and development projects in the ancestral territories of indigenous peoples (Lumads) have had a devastating impact, displacing them and subjecting them to violations of their human rights that threaten their unique communities, cultures and lifestyles.

Honduras

24. From 23 to 27 November 2015, the Special Rapporteur conducted an official mission to Honduras.[5] Internal displacement caused by generalized violence and criminal gangs known as *maras*, is an invisible epidemic affecting whole communities. Gang-related murders are commonplace, while extortion puts every small business owner at risk in some neighbourhoods. Families under threat abandon their homes. As there are few viable options that provide safety, security and livelihood in Honduras, internally displaced persons with protection needs become "migrants in orbit" and face exploitation from human traffickers and smugglers. Labelled "economic migrants" by countries of transit and destination, they face expedited deportation that does not take account of their genuine protection concerns.

25. The Government must strengthen legal, policy and institutional frameworks and take comprehensive action to tackle the root causes of displacement and protect the rights of internally displaced persons. Providing support and viable options for local integration or resettlement should form part of a strategy of durable solutions for such persons. Priorities must include tackling impunity and rebuilding trust in institutions, including the police and criminal justice system, which has been deeply eroded. The Special Rapporteur welcomed an undertaking by the Government to draft a law on internal displacement during 2016.

C. Progress towards key internal displacement priorities

26. At the end of 2014, there were 38 million persons displaced by conflict, generalized violence and human rights violations, and 11 million were newly displaced during the year. This represented an overall increase of 4.7 million people compared with 2013, when 33.3 million were internally displaced.[6] Some 60 per cent of the newly displaced were in five countries: Iraq, South Sudan, the Syrian Arab Republic, the Democratic Republic of the Congo and Nigeria. Massive forced displacement was caused by the conflict in Ukraine, where internal displacement is at risk of becoming protracted. The geographical spread of displacement demonstrates that all regions can be affected and calls for global measures of

[5] See A/HRC/32/35/Add.4.

[6] See Internal Displacement Monitoring Centre, *Global Overview 2015: People internally displaced by conflict and violence* (Geneva, 2015). Available from www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf.

prevention, preparedness, risk assessments, better data collection and integrated humanitarian and development action.

27. UNHCR confirmed the negative trends, stating that wars, conflict and persecution have forced more people to flee their homes than at any other time since records began.[7] Worldwide, displacement was at the highest level ever recorded, with the number of people forcibly displaced at the end of 2014 reaching 59.5 million, compared with 51.2 million a year earlier and 37.5 million a decade ago. Globally, one in every 122 humans is a refugee, internally displaced person or seeking asylum. Every day in 2014, on average 42,500 people became refugees, asylum seekers or internally displaced persons, a four-fold increase in just four years.

28. The current unprecedented level of displacement covers both new and old situations, which must not be neglected. The overall magnitude of the problem also points to the continuing phenomenon of protracted internal displacement, which has not been solved and for which durable solutions and regional and international cooperation are necessary, for example, in Azerbaijan, Colombia, the Democratic Republic of the Congo, Georgia. This is also the case in Serbia and Kosovo.[2]

29. Internal displacement due to natural disaster has shown upward trends, while extreme weather events associated with the adverse effects of climate change are more frequent and cause higher levels of displacement. The Internal Displacement Monitoring Centre estimates that more than 19.3 million people were forced to flee their homes by disasters in 100 countries in 2014.[8] Hundreds of thousands remain displaced following disasters in previous years. On average, 26.4 million people have been displaced by disasters every year since 2008, equivalent to one person every second.

30. In 2015, in its resolution 70/165, the General Assembly encouraged the Special Rapporteur to continue to explore the human rights implications and dimensions of disaster-induced internal displacement, with a view to supporting Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those forced to flee. The Special Rapporteur calls for greater synergy in protection and assistance to disaster-related internally displaced persons and disaster-related cross-border displaced persons, on the basis of the protection agenda that was elaborated in 2015 by the Nansen Initiative and endorsed by over 100 countries.[9]

1. Achieving durable solutions for internally displaced persons

31. In 2013, following consultations with stakeholders, the Special Rapporteur focused particularly on achieving durable solutions for internally displaced persons and promoting the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons.[10] Globally, too many internally displaced persons continue to live in protracted displacement situations in which progress towards durable solutions has stalled. There remains a generally weak understanding of durable solutions and neglect in implementing them. The closure of camps, cash payments or return without required

[7] See UNHCR, *Global Trends 2014: World at War* (Geneva, 2015). Available from http://unhcr.org/556725e69.html.

[8] See Internal Displacement Monitoring Centre, *Global Estimates 2015: People displaced by disasters*, p. 8 (Geneva, 2015). Available from www.internal-displacement.org/assets/library/Media/201507-globalEstimates-2015/20150713-global-estimates-2015-en-v1.pdf.

[9] See www.nanseninitiative.org/.

[10] See Brookings Institution – University of Bern Project on Internal Displacement, *Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons* (Washington, D.C., 2010). Available from www.unhcr.org/50f94cd49.pdf.

support are frequently considered adequate by Governments to declare a displacement situation solved, when it is not. Even where return or resettlement has taken place, much remains to be done to reach durable solutions in many country situations.

32. It is the primary responsibility of Governments to provide durable solutions that can only be achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.[11] Such solutions, whether they involve return, local integration or settlement elsewhere in the country, require national leadership, strong political will and commitment. They must be anchored in national legal and policy frameworks, yet frequently in practice they are not in place or not implemented. States frequently see return to places of origin as the primary or only solution, neglecting the fact that, in conflict situations, local integration or resettlement may be the preferred or more viable options, and essential to unlocking protracted displacement.

33. The Special Rapporteur has consistently encouraged new and innovative approaches by States and the international community to achieving durable solutions, including stronger engagement with and by development partners, among other actors, in internal displacement situations from an early stage. This early engagement of development partners remains essential to building resilience, integrating humanitarian and development activities to ensure there is no "gap", and ensuring that internally displaced persons are the targets and beneficiaries of development processes and assistance. In section three of the present report, the Special Rapporteur highlights the need for early recovery and resilience-building as transitional steps, even in crisis situations and protracted internal displacement situations, where there are obstacles to achieving durable solutions.

34. Some positive processes to support durable solutions are under way. The creation of the Solutions Alliance in April 2014 marked an important step forward in efforts to address protracted displacement through innovative, partnership-orientated approaches. Working through sustained strategic engagement in displacement situations, including Somalia, Uganda, the United Republic of Tanzania and Zambia, national groups seek to apply expertise and theoretical and practical approaches to displacement settings, forming long-term partnerships with national Governments and other stakeholders. Its resources and capacity should be bolstered to allow it to engage effectively with internal displacement in more country situations globally.

35. The Special Rapporteur, in collaboration with the Joint IDP Profiling Service,[12] initiated the project entitled "Informing responses to support durable solutions for internally displaced persons" to promote the implementation of the Framework on Durable Solutions for Internally Displaced Persons. Its goal is to support Governments and humanitarian and development actors to pursue an evidence-based joint response to support displaced persons and achieve durable solutions. Drawing on experience from multiple displacement situations, and with an inter-agency group of technical steering committee members, the project will develop and consolidate a set of agreed indicators to operationalize the Framework, as well as tools and guidance for their use in displacement contexts. These activities will contribute to country-level durable solutions analysis and responses, as well

[11] The Special Rapporteur has provided analysis and recommendations for States and other stakeholders relating to durable solutions in his reports to the General Assembly, notably in his 2013 report (A/68/225), in which he addressed the role of humanitarian and development actors in achieving durable solutions through peacebuilding in the aftermath of conflict; his 2014 report (A/69/295) on achieving durable solutions for internally displaced persons in urban settings; and his 2015 report (A/70/334) on governance structures for internal displacement.

[12] See www.jips.org.

as the work of the technical working group on durable solutions of the Solutions Alliance and the Global Cluster on Early Recovery. In January 2016, a workshop was held in Geneva and, in March 2016, the first phase of the project was finalized with the commitment of partners to continue their collaboration.[13]

36. From 4 to 6 April 2016, the Special Rapporteur attended a forum on new approaches to protracted forced displacement, coorganized by the World Bank, UNHCR and the Department for International Development of the United Kingdom of Great Britain and Northern Ireland, held at Wilton Park, United Kingdom. The forum was an ideal model for the engagement of humanitarian and development actors with real country situations to provide creative and innovative approaches to protracted displacement. The Special Rapporteur emphasized the need for stronger national protection systems for internally displaced persons in their countries while respecting their right to leave their country or seek asylum. He proposed concrete measures, including developing multi-year and multipartner frameworks to achieve clear outcomes; establishing legislation, policies and strategies to support the protection of internally displaced persons; and giving greater priority to building self-reliance and resilience.

2. Promoting the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

37. When he assumed his mandate in 2010, the Special Rapporteur stated that a key priority during his tenure would be to promote the implementation of the Kampala Convention. The Convention was designed and adopted as a tool to deal with the issues of internal displacement in Africa. He dedicated a thematic report to the Human Rights Council on the Convention in 2014,[14] in which he provided a comprehensive series of recommendations aimed at its implementation.

38. Internal displacement figures and trends in sub-Saharan Africa and parts of North Africa reveal a bleak picture and reflect ongoing and new conflicts. Massive new displacement and protracted crises in countries such as Burundi, the Central African Republic, the Democratic Republic of the Congo, Libya, Nigeria, South Sudan, Somalia and the Sudan further demonstrate the critical need for action. At the end of 2014, 11.4 million people were displaced across 22 countries in sub-Saharan Africa, representing over one third of all internally displaced persons worldwide.[15] In some cases, responses such as camp closures or returns cannot be considered as constituting appropriate durable solutions for internally displaced persons.

39. The Special Rapporteur continued to engage the African Union on the promotion, ratification and implementation of the Convention. As at February 2016, it had been signed by 40 and ratified by 25 of the 54 member States. Among the most recent ratifications have been Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti and Mauritania. The Special Rapporteur urges all African Union member States to ratify the Convention.

40. Those States that have ratified the Convention must go further to implement it in practice. Recent positive steps by some countries include the development of national legislation, policies and measures to domesticate the Convention. The Central African Republic has a new draft law on internally displaced persons, Nigeria is working to adopt a draft national policy and Zambia has taken steps towards incorporating the Convention in domestic legislation. Although not a party to the Convention, Kenya has introduced comprehensive legislation on internally displaced persons, based on the Protocol on the

[13] See www.jips.org/en/profiling/durable-solutions/measuring-progress-towards-solutions.
[14] A/HRC/26/33.
[15] See Internal Displacement Monitoring Centre, *Global Overview 2015*, p. 8.

Protection and Assistance to Internally Displaced Persons, adopted at the 2006 International Conference on the Great Lakes Region. The Special Rapporteur urges States to put in place national action plans to honour their commitments under such regional standards. His mandate remains available to provide technical assistance to them in that regard.

41. It is of utmost importance to operationalize the Convention. A conference of States parties is urgently required in 2016 to establish a secretariat of the States parties and to adopt a framework of implementation and operationalization. The Special Rapporteur calls for international support to that end. He emphasizes the value of sharing experiences and good practices between countries, to foster Africa-wide solidarity to achieve durable solutions for internally displaced persons.

42. The designation by the African Union of 2016 as "African Year of Human Rights" provides a further opportunity for the continent to address the considerable human rights challenges posed by internal displacement, and to take concrete action to confront them. The year has a special focus on the rights of women in Africa, and the Special Rapporteur urges particular attention to be given to displaced women. He highlights the recommendations contained in his report to the Human Rights Council on internally displaced women in 2013.[16]

43. The Kampala Convention stands as a model of good practice for other regions. The Special Rapporteur urges other regional organizations to strengthen their activities to prevent and reduce internal displacement, including through the elaboration of new regional standards. In regional consultations ahead of the World Humanitarian Summit, the importance of formulating regional frameworks on internally displaced persons was emphasized, and regional organizations were urged to make commitments in the context of the Summit. In January 2016, the Special Rapporteur attended an international meeting on human rights in the Arab world, resulting in the inclusion of such persons in the outcome of the meeting — an important step in the region's build-up to the Summit.

III. Major challenges and emerging issues in the field of internal displacement

44. The Special Rapporteur highlights below some issues that have consistently emerged over the course of his work and country visits and that he considers require greater attention by national Governments and the international community.

A. Integrating early recovery and resilience-building in ongoing and protracted displacement situations

45. Recent displacement crises have demonstrated once again the links between internal displacement situations, the rights of internally displaced persons and the processes leading to refugee and migrant movements across borders. Internally displaced persons and refugees are often driven from their homes by similar circumstances and, for some people, internal displacement may be followed by cross-border displacement. Among the key reasons for further movement across borders are the failure of national protection systems and the lack of prospects for internally displaced persons to find solutions in their country of origin. While the nexus between internally displaced persons and refugees and that between internally displaced persons and migrants demand greater attention, it must be recalled that the majority of persons forcibly displaced by conflict and violence move and

[16] A/HRC/23/44.

seek solutions within their countries, and internal displacement is a critical humanitarian issue in itself rather than the first stage in a migration journey.

46. The nexus between internally displaced persons and refugees has been particularly evident recently in the context of the conflicts in the Syrian Arab Republic and Iraq. They have been characterized by extreme violence and disregard for the lives and human rights of civilian populations, including by ISIL, and the failure of Governments to fulfil their protection and assistance commitments. Other protracted conflict situations, including in Afghanistan, the Central African Republic, South Sudan and the Sudan have resulted in similar situations of protracted displacement, which contributes to cross-border flight.

47. While in some crisis situations the threat to life is so grave that seeking asylum outside the country is the only safe option, much more must be done to protect and support internally displaced persons and give them viable options to achieve safety in their own countries where that is their desire. In protracted displacement situations, national and international attention to affected persons frequently wanes over time and personal resources may dwindle along with national and international assistance funding. Even in situations of relative physical safety, they may be trapped in a protracted limbo existence of basic shelter and aid dependency and will inevitably seek alternative options and consider crossing international borders.

48. The improved integration of humanitarian and development efforts at the onset of displacement is essential to building resilience and self-reliance, both of which are key elements leading to durable solutions within a rights-based and protection approach. New approaches to protracted displacement require that early recovery be integrated by both humanitarian and development actors. As stated in the Framework on Durable Solutions for Internally Displaced Persons, early recovery is a multidimensional process that begins in a humanitarian setting. It is guided by development principles that seek to build on humanitarian programmes and catalyse sustainable development opportunities. It aims to generate self-sustaining, nationally owned, resilient processes for post-crisis recovery. It encompasses the restoration of basic services, livelihoods, shelter, governance, security and the rule of law, and environmental and social dimensions, including the reintegration of displaced populations.

49. There is scope to enhance and strengthen transitional solutions that are aimed at improving living standards and livelihoods, while such measures must not be mistaken for durable solutions. In situations of protracted displacement in particular, greater attention and resources dedicated to transition and resilience-building measures have been demonstrated to provide income, self-reliance and dignity, a sense of stability and normality and a foundation upon which to progress towards durable solutions. This shift away from dependency can provide hope for the future with a view to providing self-empowerment and rebuilding the lives of internally displaced persons in their countries, and re-establishing livelihoods.

50. During his visit to the Syrian Arab Republic in May 2015, the Special Rapporteur witnessed initiatives to assist local integration and build resilience, early recovery and livelihoods for internally displaced persons and host communities. In total, the United Nations Development Programme (UNDP) and local partners supported more than 100 livelihood-related projects that targeted the affected governorates as well as host communities, recognizing the heavy burden on them of hosting internally displaced persons. In 2014 and 2015, UNDP succeeded in reaching a total of 4.5 million affected persons who were directly or indirectly affected by the projects.

51. The projects included emergency employment, restoration and stabilization of disrupted livelihoods, emergency support to vulnerable groups, capacity development, advocacy and technical assistance. They included the restoration of small businesses,

including food production and processing, small scale manufacturing, debris and waste removal, re-establishing markets and stimulating local economies by encouraging local production and procurement. Vocational training was provided through entrepreneurship promotion activities, with a special focus on vulnerable groups, including female-headed households, persons with disabilities and young people.[17] The monitoring and documentation of such programmes is necessary to ensure that they improve self-reliance in a sustainable way.

52. Although they require initial funds and resources, such projects can become self-sustaining and income-generating and may provide a stepping stone towards the local integration of internally displaced persons and help to rebuild local economies. UNDP notes that such projects can strengthen capacities to cope with the shocks and negative impacts of a crisis. Internally displaced persons may be able to move out of collective shelters into rented accommodation and reduce their reliance on humanitarian assistance, therefore allowing such assistance to be targeted elsewhere. They can contribute to building social cohesion and assisting local integration. Various social groups may be involved in common activities that can build a sense of community. They may strengthen the capacity of and empower local civil society partners to maintain projects and replicate them in different locations. Working with local partners helps to shift the focus of projects away from the distribution of aid towards the delivery of services and the building of local resilience, by helping people to enhance their positive coping mechanisms.[18]

53. A key message to States and the international community is that it is necessary to maintain and enhance attention to internally displaced persons beyond the realm of emergency humanitarian responses and to transition towards self-reliance as soon as possible, even in situations of protracted conflict in which achieving durable solutions is deemed impossible. The challenge remains to bridge the relief-to-development gap and ensure that development actors are engaged early on in crisis and displacement situations. Early recovery, resilience and livelihood initiatives envisage an early engagement and response by the development community at a stage when humanitarian partners are still fulfilling an essential role.

54. The potential of the Global Cluster on Early Recovery to help internally displaced persons move beyond aid dependency has yet to be fulfilled. The early recovery and livelihood sector is consistently neglected and underfunded. A Brookings Institution report[19] found that, in three countries studied with protracted displacement, namely, Somalia, Colombia, and the Democratic Republic of the Congo, the early recovery cluster was not active, despite obvious opportunities for early recovery programmes. The appropriate approach is to improve the incorporation at the very beginning of early recovery principles and programmes into other sectors, such as protection, food, shelter, health, education, and livelihoods, as this provides the impetus to achieving durable solutions.

55. A frequent challenge is to overcome the traditional relief-to-development gap, progress towards which is constrained by frequent severe funding shortfalls in the area of early recovery. An integrated approach involving humanitarian and development partners

[17] See United Nations Development Programme, *365 Days of Resilience in Syria* (2014). Available from http://www.sy.undp.org/content/syria/en/home/library/poverty/365-days-of-resilience-in-syria.html.

[18] Ibid.

[19] See Brookings-London School of Economics Project on Internal Displacement, *Ten years after the humanitarian reform: how have IDPs fared?*, p. 23 (Washington, D.C., 2014). Available from www.brookings.edu/~/media/research/files/papers/2014/12/29-idp-humanitarian-reform-reports/introduction-to-final-report-idp-study-final.pdf.

would overcome such shortfalls, with mid- to long-term planning, harmonization of funding cycles and early investment in resilience and self-sustaining activities, including protection, throughout the entire cycle of displacement to durable solutions.

56. Humanitarian and development donors or partners should adjust or supplement their funding cycles to ensure integrated approaches to protection, resilience, self-reliance, sustainable livelihoods and durable solutions. This means that development actors should become engaged more equally and effectively and from an early stage in displacement situations and advocate more clearly for the funds and access to do so. Indeed, it is through partnerships and engagement with the local and national systems that development and humanitarian partners may achieve longer-term development measures conducive to durable solutions.

57. The primary responsibility of national Governments to take action towards achieving durable solutions for internally displaced persons must be emphasized, and they must fulfil that responsibility through legal, policy and institutional frameworks and appropriate budgeting and development programme measures, including national development plans. Too often, there is an overreliance on international partners to initiate and maintain sustainable livelihood projects, for example, that should fall under the responsibility of line ministries. States are often slow to implement such programmes, and stronger steps must be taken to ensure that they meet their commitments according to international standards.

B. Addressing neglected drivers of internal displacement globally

58. Despite the unprecedented global displacement figures, much internal displacement goes unacknowledged, unrecorded and is not responded to by Governments and the international community. Hundreds of thousands of those who are entitled to protection and assistance as internally displaced persons under international standards are left to fend for themselves. A protection gap exists for many internally displaced persons globally who are the victims of causes of displacement that include generalized and criminal violence, discrimination and other human rights violations, development projects and business activities, or other neglected factors. These factors result in internally displaced persons who are uniquely vulnerable, outside of camps or other support and assistance settings, hosted by local communities and families, and frequently "invisible" and impoverished in urban settings. Failure by Governments to identify them as internally displaced persons leaves many unable to access assistance and support. Denial or neglect of the problem of internal displacement often means that, at the national level, no protection or support mechanisms exist.

1. Internal displacement due to generalized and criminal violence

59. In some situations of generalized violence, persecution or human rights violations, for example, the internal displacement of individuals, families or targeted communities may be slower, small-scale, dispersed and less obvious than in some conflict situations. There are those who flee their homes but do not identify themselves as internally displaced persons owing to a lack of understanding about their rights or out of fear or a desire to remain anonymous. Equally, State authorities can fail to identify those persons as internally displaced owing to a lack of understanding or neglect of their pertinent obligations to assist and protect those displaced by generalized violence. The challenge exists to ensure that those who are unlawfully forced or coerced to leave their homes are identified as internally displaced persons and receive necessary assistance and protection.

60. A broad and inclusive approach to determining who is an internally displaced person is required under the Guiding Principles on Internal Displacement and the Kampala

Convention. In addition to situations of armed conflict and disaster-induced displacement, both standards explicitly apply to those displaced by generalized violence. The prohibition of arbitrary displacement includes displacement based on policies of apartheid, ethnic cleansing, racial discrimination or other similar practices aimed at or resulting in altering the ethnic, religious or racial composition of the affected population, as well as displacement caused by other violations of human rights or used as a collective punishment.

61. Generalized violence may be gang-related or criminal in nature, or may be violence targeted at minority ethnic, religious, political or other groups. It may be caused or triggered by specific events, such as elections, or it may be associated with development projects. It may affect a small group in a localized area or a large, widely dispersed community. Intimidation, harassment or the threat of violence may also trigger displacement. In some situations, the international community may recognize internal displacement situations while a national Government denies or downplays the situation. Consequently, political will to deal with internal displacement instead of denying it remains a vital component of appropriate national and international action, since acknowledgment of the issue within a particular context is the vital first step towards addressing it.

62. Many regions are affected by generalized violence resulting in internal displacement. For example, Central America, including the Northern Triangle countries of El Salvador, Guatemala and Honduras, is deeply affected by generalized and gang-related violence. The Special Rapporteur visited Honduras in November 2015 and found that displacement as a result of gang-related (*maras*) and generalized violence is widespread and there is an "invisible epidemic" affecting whole communities and neighbourhoods. For many, the only option to escape threats, extortion and violence by the *maras* is to leave their homes and, often, their country.[20] The Special Rapporteur commended the Government of Honduras for being the first in the region to publicly acknowledge the problem and to undertake an in-depth profiling to gain a better understanding of the situation. He urged it to put in place overdue protection measures for internally displaced persons.

63. Essential to national responses are legislative, policy and institutional frameworks that explicitly guarantee protection and assistance to internally displaced persons. Governments must be active in ensuring implementation and exhaustive in their activities to identify such persons who are victims of general or criminal violence and reach them with relevant information, documentation, protection and assistance linked to durable solutions. Where no protection measures exist, internally displaced persons often find protection in anonymity and become dispersed and "invisible", often within poor urban communities. Reaching them requires the flow of information and the establishment of such measures as helplines to inform people of their rights and the services available to them. Profiling can also be a practical, protection-sensitive tool for understanding the situation of these displaced communities to inform relevant responses.

64. All countries, particularly those in which there has been a history of violence, ethnic, religious or political tensions or other factors leading to population movements, should remain vigilant to the possibility of forced or arbitrary internal displacement due to general violence, even in the absence of armed conflict, and ensure that they respond appropriately and according to international standards to prevent and respond to such internal displacement. In this regard, social and statistical research should be undertaken to reveal

[20] To that end, the Special Rapporteur prepared reports on internally displaced persons who are out of camp and those in urban settings, with a view to adopting a policy position at the Inter-Agency Standing Committee, and indeed the Committee responded favourably to the initiative, which has to be taken forward.

the causes, extent and dynamics of displacement and to determine the profiles of victims. Following this, information campaigns should be considered to inform persons who may have been forcibly or arbitrarily displaced about their rights as internally displaced persons and protection and assistance measures available to them.

2. Internal displacement as a result of development projects and business activities

65. Greater attention to development-induced and business-related internal displacement is overdue and urgently required. The Special Rapporteur recognizes the sensitivities and that a balance must be drawn between the legitimate development needs and aspirations of national Governments and the human rights of those who are required to leave their homes. However, examples globally demonstrate that development projects and business activities are going ahead without due attention to the rights of affected persons.

66. International law and standards and national laws are sometimes given scant regard when approving development projects or granting business concessions that result in internal displacement. Often, there may be only a symbolic recognition of such standards, including the Guiding Principles on Internal Displacement. In other disturbing cases, development projects and agendas are pursued with the use of force and the forced displacement of communities from their lands and territories involving the use of military or paramilitary units, using threats, intimidation and killings.

67. It is telling that there is a relative lack of national, regional and global figures of those internally displaced by development and business enterprises and attention to the phenomenon in comparison to conflict and disaster-induced displacement. Some research has put the number of persons displaced by development at as many as 15 million annually.[21] Closely associated with economic development patterns, development-induced displacement may increase in countries moving from developing to developed and from low- to middle- or high-income, owing to factors including the exploitation of previously untapped natural resources, increasing energy or water requirements, urbanization and population redistribution policies. Development and displacement may take place without necessary legal safeguards, to the detriment rather than benefit of those displaced.

68. While displacement due to development is commonly associated with major projects, such as dams, numerous activities cause displacement annually, including mining and extractive industries, logging, pipelines, national parks and conservation projects, port or military installations, sports projects and events, industrial plants and urbanization and infrastructure projects. Small-scale development projects can be just as damaging as larger-scale projects and are often harder to identify and monitor. While some projects meet international standards of consultation prior to displacement and compensation, resettlement and rehabilitation when displacement takes place, many fail to do so. Those affected are often poor, belong to marginalized or indigenous groups and lack political representation or an equal voice in decision-making.

69. Under Principle 6 of the General Guiding Principles, the prohibition of arbitrary displacement includes displacement caused by "cases of large-scale development projects, which are not justified by compelling and overriding public interests". As in all cases of international human rights law, such justification would be subject to proportionality and a

[21] See B. Terminski, *Environmentally-Induced Displacement. Theoretical Frameworks and Current Challenges* (Liege, 2012); M.M. Cernea, "Development-induced and conflict-induced internally displaced persons: bridging the research divide", *Forced Migration Review*, Special Issue (December, 2006); and A. Oliver-Smith (ed.), *Development and Dispossession: The Crisis of Forced Displacement and Resettlement* (School for Advanced Research Advanced Seminar, Santa Fe, New Mexico, 2009).

pressing social need. In addition, under Principle 9 of the General Guiding Principles, there is a particular international obligation for States to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

70. The Kampala Convention calls upon States Parties to "endeavour to protect communities with special attachment to, and dependency, on land due to their particular culture and spiritual values from being displaced from such lands, except for compelling and overriding public interests". It requires States to "ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts" and to "ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement". International standards relating to the operations of business enterprises, including the 2011 Guiding Principles on Business and Human Rights, require States and businesses to comply with all applicable laws and to respect human rights.

71. Development and business-related activities can create or exacerbate complex displacement scenarios. The rights of some communities, including indigenous or minority communities, such as their rights to the land on which their identity rests, can prove inconvenient in the face of development or economic interests. Militarization of areas allocated for resource development has been evident, with some companies using private military or security companies to enforce their encroachment onto some territories. Tactics to divide communities or bypass and undermine local leadership structures have been employed and may involve corrupt practices or payments that lead to breakdown of the social fabric of communities.

72. It is essential to establish national legal and policy frameworks relating to development, land and non-State actors that intersect with and complement legal provisions relating to internal displacement and the rights of internally displaced persons, and conform to international standards. For example, the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) relates to the rights of indigenous and tribal peoples and incorporates the right to free, prior and informed consent for indigenous peoples. Articles 6, 7 and 9 of the Convention establish that consent must be acquired before indigenous communities are relocated or before development is undertaken on their land. Where displacement is approved or agreed to following an appropriate and rigorous consultation and participatory process, internally displaced persons must be provided with appropriate compensation, support and durable solutions in line with international standards.

73. This is not often the case; compensation is often pitiful and unable to sustain livelihoods and the responsibility to ensure that development-induced displacement leads to a durable solution by relocation or settlement elsewhere in the country is avoided. Development-induced displacement and resettlement processes have resulted in landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property and ancestral lands and social disintegration, and have a cumulative impact seen in massive impoverishment[22] and even death.

[22] See Michael M. Cernea "Risks, Safeguards and Reconstruction: A Model for Population Displacement and Resettlement", in M. Cernea and McDowell (eds.), *Risks and Reconstruction: Experiences of Resettlers and Refugees*, pp. 11-55 (World Bank, Washington, D.C., 2000).

74. The 2007 Basic principles and guidelines on development-based evictions and displacement[23] provide valuable guidance in addressing the human rights implications of development-linked evictions and related displacement. They provide practical guidance to States on measures and procedures to be taken in order to ensure that development-based evictions are not undertaken in contravention of existing international human rights standards and do not thus constitute "forced evictions". The guidelines also focus on effective remedies for those whose human rights have been violated, should prevention measures fail. Independent human rights and environmental impact assessments of development and business activities likely to cause displacement should be conducted at the earliest opportunity, with their findings informing a legal project approval process and resettlement and rehabilitation programmes.

75. The 2030 Agenda for Sustainable Development can give new impetus to attempts to ensure that development is conducted responsibly and takes into account the impact on those displaced. It requires that the development activities are implemented in a manner that is consistent with the rights and obligations of States under international law, including human rights law and standards. It is important that this new global development agenda is not interpreted as giving States a green light to pursue development without due consideration to human rights and the costs to those who own or occupy the lands on which development projects may take place. The pledge by States to "leave no one behind", including internally displaced persons, also requires that those who are displaced by development projects and other triggers benefit from and are the target of development programmes.

3. Recognizing the vulnerability of disadvantaged and marginalized groups to internal displacement

76. In some situations, internal displacement disproportionately affects certain communities that, due to their characteristics, geographical location, poverty, discrimination or other unique circumstances, make them particularly vulnerable to internal displacement. Such groups may include indigenous peoples and ethnic, religious or other minorities, who are frequently numerically few relative to majority communities, among the poorest, and who may experience different forms of marginalization and commonly lack representation in political or other State bodies. In some cases they may face long-standing discrimination and violence targeted against them. Such population groups are often overrepresented in internally displaced person populations.

77. These and other factors may make certain marginalized communities vulnerable to violent displacement in situations of conflict and intercommunity or interfaith tensions or result in their being poorly equipped to resist efforts to displace them from their lands due to development or business activities. Greater research and data is required globally to reveal the full impact of displacement on such communities, as well as regional trends, patterns and dynamics of displacement. In particular, this makes it necessary to disaggregate data not only by sex and age but also by diversity categories, such as ethnicity and religion, that should be determined by contextual realities. Such information, fully adhering to international standards of data protection and use, would help to predict and prevent displacement targeted against certain communities and contribute to much needed displacement risk assessment and early warning mechanisms.

78. In the Syrian Arab Republic and Iraq, visited by the Special Rapporteur in May 2015, the targeting of Christians, Yazidi and other smaller ethnic and religious communities by the so-called ISIL has been evident and well documented. They have experienced

[23] See www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf.

targeted violence and displacement on the basis of their belonging to certain ethnic or religious groups. In some cases, internal displacement may have been arbitrary, amounting to ethnic cleansing, crimes against humanity or atrocity crimes, and has included the cultural destruction of monuments and places of worship with the objective of permanently removing communities from those regions. Equally, in numerous other regions, discrimination against certain groups in society may reach such levels that it results in hate-based crimes and internal displacement that does not take place in a context of armed conflict.

79. Vulnerability to displacement may be heightened by discriminatory State policies or practices. Non-documentation, the denial or deprivation of citizenship for some ethnic or religious groups, for example, renders them stateless. Their rights as citizens are not fully recognized and they may be targeted, or not adequately protected, by national authorities. As highlighted in the Norwegian Refugee Council scoping paper on statelessness and displacement,[24] stateless persons are uniquely vulnerable including to internal displacement. Statelessness must be more clearly understood in the context of State policies of denial of legal status that impacts on particular marginalized communities.

80. The Special Rapporteur has been struck by the vulnerability of indigenous peoples to internal displacement, including during his official visit to the Philippines, following which he highlighted the impact of displacement or threatened displacement on them. Indigenous peoples are severely affected by displacement given their ties to ancestral lands and may have more challenges in adopting coping mechanism for survival when displaced. The protection of the rights of indigenous peoples displaced or threatened by displacement must be strengthened in law and practice. Legal provisions on land rights and the rights of indigenous peoples should be fully implemented and specific provisions on the rights of indigenous peoples should be included in laws on internally displaced persons where appropriate.

81. In conflict- and disaster-related scenarios of displacement, discrimination and marginalization may continue to be a factor that adversely affects access by internally displaced persons to safety, protection and humanitarian assistance and durable solutions in some cases. The Framework on Durable Solutions for Internally Displaced Persons emphasized the centrality of non-discrimination to the concept and achievement of durable solutions. States, national human rights commissions and all humanitarian actors and development actors, and civil society, must ensure that all those in need are treated equitably and in a non-discriminatory manner, including with regard to access to protection and assistance, livelihood opportunities and the realization of durable solutions.

C. Restoring human agency to internally displaced persons through consultation, participation, profiling and information

82. The Special Rapporteur is concerned that his engagement with internally displaced persons in numerous country situations reveals a general lack of meaningful consultation with them; they lack a voice and, when they speak or claim their rights, they are not heard. Such persons frequently stated that they are poorly consulted, rarely visited by officials or provided with adequate information about the options available to them or plans being formulated for their shelter, locations or time frames for their return or resettlement. Internally displaced persons frequently stated that they lacked opportunities to participate in decisions affecting them. Consultation and participation is a right of those persons and is

[24] See Norwegian Refugee Council-Tilburg University, *Statelessness and Displacement, Scoping Paper* (May 2015). Available from www.nrc.no/arch/_img/9197390.pdf.

essential to ensuring that solutions for them are appropriate, informed, acceptable to communities and sustainable.

83. Significantly, reliable and comprehensive data on internally displaced persons is frequently lacking, hampering the ability of Governments and national and international partners to respond effectively and put in place immediate and longer-term support to meet their protection and assistance needs and durable solutions for them. Compiling and tracking data on internally displaced persons is challenging, particularly in complex situations in which displacement may be ongoing, or where they experience multiple displacement or are residing outside of camps. Improvements to these types of data and analysis must be made by Governments with the support of national and international partners.

84. Consultation, participation and information provision activities must engage widely with internally displaced persons, including women and female heads of households, young people, older persons and persons with disabilities. In-depth assessments, profiling and consultations help to reveal vulnerabilities, capacities and obstacles, essential to providing appropriate responses and durable solutions. Gathering data on those outside of camps has also proven extremely difficult, and there is a need to find creative solutions to ensure that they do not fall through protection and support nets. The Special Rapporteur's report on the issue to the Human Rights Council in 2012 notably focuses on addressing the causes of neglect of internally displaced persons outside camps through data collection.[25]

85. Recognition of internally displaced persons as holders of civil and political rights and economic, social and cultural rights is crucial. A human rights-based approach to internal displacement and humanitarian and development assistance to such persons requires assessments of their human rights on the basis of information that goes beyond basic displacement statistics and recognizes the unique circumstances, challenges and requirements of each individual, including women, older persons, persons with disabilities, minorities and others. It also requires a deeper level of engagement and consultation with internally displaced persons, allowing a more detailed understanding of needs, concerns and intentions and demonstrating respect for the human agency of those persons, as partners in a process of achieving solutions, rather than passive beneficiaries.

86. Sophisticated data gathering methodologies can and are being utilized in some displacement situations. However, they remain the exception rather than the standard. Detailed household surveys and profiling and assessment activities reveal vital information that can be used by a variety of actors in the design, implementation and monitoring of programmes. They may reveal perceptions relating to protection, for example, for those who have faced violence or are at risk of it, and can identify intentions to return or seek alternative solutions. Such data and surveys must be voluntary and meet international standards relating to data protection and personal security. In that regard, efforts are being led by the Danish Refugee Council and UNHCR to better define the discipline of protection information management and support operational decision-making.

87. The Special Rapporteur welcomes the work of the Joint IDP Profiling Service, an inter-agency project set up to help Governments, humanitarian and development agencies acquire, maintain and update reliable data and analysis on internal displacement situations, including population data, that is also disaggregated by sex, age, location and diversity. The Service recognizes that internally displaced persons are not a homogenous group and that appropriate, well-informed solutions must be based on a more complete picture of their characteristics and situations.

[25] See A/HRC/19/54, paras. 26 and 27.

88. Of increasing use in the field is the International Organization for Migration displacement tracking matrix, a tool for tracking and monitoring displacement and identifying locations where internally displaced persons settle. In addition, the REACH initiative was created in 2010 by the non-governmental organizations IMPACT and ACTED and the Operational Satellite Applications Programme of the United Nations Institute for Training and Research to facilitate the development of information tools and products that enhance the humanitarian community's decision-making and planning capacity.[26] REACH promotes better understanding of crisis-affected communities within settlements by collecting data in a systematic and comprehensive way, helping to provide the information required for designing, planning and evaluating aid- and evidence-based humanitarian action.

89. Importantly, local non-governmental organizations and volunteer organizations consistently demonstrate their value and importance in local support to internally displaced persons and often involve members of affected communities with strong ties to and knowledge of them. Policymakers should support, enhance the capacity of and work closely with such organizations to help them better understand and address the needs of internally displaced persons and displacement-affected communities, and to ensure that the views and wishes of those persons are heard and respected in decision making bodies.

IV. Conclusions and recommendations

90. **The overall picture of internal displacement globally in 2016 is alarming, with unprecedented numbers of internally displaced persons, ongoing and protracted situations in which progress towards durable solutions has stalled and massive new displacement crises that threaten to further deteriorate. The picture is in fact more dramatic than that presented by existing statistics, since these do not include causes of displacement, such as development projects and business activities and generalized and criminal violence. The situation constitutes a global crisis requiring bold, innovative and concerted action at all levels, from the local to the international levels, as well as new and enhanced partnerships and collaborations.**

91. **The United Nations and the international community must demonstrate their commitment to addressing internal displacement effectively. Enhancing the mandate of the Special Rapporteur to a Special Representative of the Secretary-General, with appropriate staff and resources to effectively address internal displacement within and outside the United Nations and in dialogue with Member States and all relevant stakeholders, would be a valuable step in that regard.**

92. **New approaches are required by the international community in collaboration with national Governments. However, the international system is already overstretched by the number of complex, large-scale internal displacement crises. With finite resources, the primary responsibility of national Governments to address internal displacement must be recalled, allowing international humanitarian and development partners to focus their efforts where they are needed most.**

93. **Raising awareness of neglected internal displacement situations in which internally displaced persons are unprotected and lack assistance, including displacement caused by generalized violence, discrimination and discriminatory policies, and development, should be a high priority of national Government and the international community.**

[26] See www.reach-initiative.org/reach/about-reach.

94. The role of development and business activities as a cause and driver of displacement must be given greater scrutiny. National Governments must ensure that they conform with all relevant international standards when conducting or licencing development or business activities that will result in the displacement of communities. Where development-induced displacement takes place, compensation, appropriate resettlement and rehabilitation measures undertaken in consultation with affected persons must be implemented and continued until durable solutions are achieved.

95. As many countries debate cross-border movements of "migrants" and asylum seekers, attention must refocus on the protection of internally displaced persons in their countries of origin and measures to support the integration of early recovery, livelihoods and resilience-building. Traditional emergency humanitarian assistance models provide little incentive to such persons or confidence for the future required for them to remain in their countries of origin. While humanitarian assistance is vital and lifesaving, simultaneous development activities are also necessary to sustain livelihoods by building programmes and durable solutions.

96. Renewed attention should be given to addressing the relief-to-development gap at the earliest phase of crisis response or development project planning, recognizing that crucial actions to build resilience and offer much needed security, incomes, hope and dignity can be achieved in the short term, enabling internally displaced persons to stay in their country. This will require new levels of collaboration, partnership and funding, underpinned by the genuine political will and resolve necessary to achieve real change for such persons.

97. A global shift towards the prevention of forced displacement and identifying and addressing the root causes of displacement at the earliest stage is required. In the area of conflict, there must be a strong reaffirmation by parties to the conflict to respect international humanitarian law. More must be done to identify communities at risk of violence and displacement and to put in place necessary prevention and protection measures at the earliest opportunity.

98. Disaster risk reduction and action to address climate change and its adverse effects in terms of internal displacement and other human rights issues must remain high on the international agenda. The Paris Agreement, reached after the twenty-first Conference of the Parties to the United Nations Framework Convention on Climate Change, is an essential step in the right direction that explicitly recognizes the need for individual and collective State action. That agreement must be implemented in practice by all parties.

99. National authorities should collect and share data on all causes of displacement in their country, including generalized and criminal violence and hate-based crimes, development and business activities. Equality and anti-discrimination laws and legal protection of minorities, indigenous peoples and other potentially vulnerable groups should be in place and include provisions relating to the prohibition of unlawful displacement.

100. An absence of legal protection and practical policy and programme responses is evident in many States experiencing internal displacement, whether owing to conflict, disasters, development or other causes. They should enact national laws in line with the Guiding Principles on Internal Displacement and other international standards, and institutional and policy frameworks to respond to internal displacement situations.

101. The Kampala Convention is vital in a region of massive and ongoing displacement crises; however, its implementation and operationalization must be galvanized in practice. Other regional organizations should take steps to establish

their own regional standards as a vital step towards guaranteeing the human rights of internally displaced persons and facilitating the adoption of national laws, policies and programmes.

102. While the figures are alarming and tell us much about the global internal displacement situation and trends, it is essential that we look beyond the statistics to recognize the human suffering behind them. In that regard, enhancing support to Governments to collect and analyse reliable and protection-sensitive information for evidence-based policy, programming and response is crucial. Media and political discourse often consigns the displaced, whether internal, refugees or migrants, as a collective, faceless problem to be resolved, rather than individuals and families whose lives, wishes and hopes matter.

103. Recognition of internally displaced persons as holders of civil and political rights and economic and social rights is crucial and requires human rights-based approaches. As such, all States must recognize, respect and protect the fundamental rights of such persons, including to be consulted, informed and to participate and exercise free choice in decisions affecting them, including decisions on whether to return to their places of origin or to choose to settle and integrate elsewhere.

104. The target of the Secretary-General to reduce internal displacement by fifty per cent by 2030, elaborated in his report "One Humanity: Shared Responsibility" in advance of the World Humanitarian Summit, should inspire all stakeholders to redouble their efforts and set an agenda for action to achieve this ambitious target, including through concrete commitments. It requires new approaches and innovative actions to achieve goals through sustainable, durable solutions, necessary indicators and effective prevention activities.

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Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Iraq

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, on his visit to Iraq from 9 to 15 May 2015. The report contains the findings and recommendations of the Special Rapporteur, as summarized below.

The humanitarian situation of internally displaced persons in Iraq is of great concern and strengthening humanitarian assistance must be a high priority to save lives in the short and medium term. Violence perpetrated by Islamic State in Iraq and the Levant appears to be part of a systematic strategy to remove some ethnic and religious communities permanently from areas where they have lived for centuries. Some internally displaced women and girls have experienced sexual violence, forced marriage and sexual slavery and must be provided with greater protection and support. New waves of displacement have greatly increased the pressure on the Government of Iraq and have already overstretched humanitarian partners. New large-scale displacement can be predicted and must be prepared for. Iraq and the international community must also prepare for the protracted displacement of hundreds of thousands of people and provide the essential attention and resources to promote early recovery, resilience-building and livelihood initiatives that are necessary for ensuring durable solutions for internally displaced persons.

The Government must intensify its efforts to protect and assist internally displaced persons on the basis of legal and policy frameworks in conformity with international standards, established to better meet the immediate, medium and long-term needs and human rights of such persons and stem their flow out of the country. A significant amount of additional funding is required from international donors to help alleviate human suffering. It is imperative that the international community remain a consistent and reliable humanitarian and development partner.

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Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Iraq*

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* Circulated in the language of submission and Arabic only.

I. Introduction

1. In accordance with his mandate contained in Human Rights Council resolution 23/8 and at the invitation of the Government of Iraq, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to Iraq from 9 to 15 May 2015. The objective was to examine the human rights situation of internally displaced persons in the context of the ongoing conflict with the self-proclaimed Islamic State in Iraq and the Levant (ISIL), also known as Daesh, and other sectarian violence, as well as to consider legal frameworks, policies and programmes to respond to the displacement crisis.

2. The Special Rapporteur met with senior government officials, including the Prime Minister, Haider al-Abadi, and representatives of ministries with direct responsibilities for internally displaced persons. He met numerous representatives of civil society, volunteer groups and members of the international community, as well as the displaced themselves. He thanks all of those who met with him and provided essential information. He particularly acknowledges the excellent support provided by the United Nations Assistance Mission for Iraq, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs.

3. The Special Rapporteur shared his preliminary findings with the Government at the conclusion of his visit. He appreciates the willingness of the Government to continue to cooperate with his mandate. While reflecting the situation at the time of the visit, the present report takes into account major developments relevant to internal displacement during the drafting period.

II. Context of internal displacement in Iraq

4. The displacement crisis in Iraq is one of huge proportions; it is estimated that close to 3 million persons have been internally displaced since the beginning of 2014. Indeed, by 22 June 2015 the International Organization for Migration had estimated that the number of internally displaced persons, including those previously displaced (before the current crisis which began in 2014), was more than 4 million. The humanitarian country team estimated that 8 million Iraqis required some form of humanitarian assistance, which gives a stark demonstration of the deteriorating extent of the crisis. There is an urgent need for more accurate data about the number, location and needs of internally displaced persons. In territories controlled by ISIL it is almost impossible to obtain data.

5. As recognized in the 2011 report of the former Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, following his visit to Iraq in 2010, for decades Iraqi citizens have been forced to leave their homes in search of safety due to both prolonged conflict, sectarian violence and forced population movements targeting specific ethnic and religious groups (see A/HRC/16/43/Add.1, paras. 12-13). Four major waves of displacement have been identified since the 1970s. The first corresponded to the political regime of Saddam Hussein from 1979 until 2003 during which different ethnic and religious groups faced oppression, targeted attacks and economic exclusion resulting in over 1 million internally displaced persons. The second wave followed the overthrow of Saddam Hussein in 2003 when some 250,000 persons were displaced over the following three years. Between 2006 and 2008 an upsurge in sectarian violence created a further 1.6 million internally displaced persons. Estimates by the Internal Displacement Monitoring Centre suggest that up to 1.1 million people are still

living in protracted displacement following the 2006-2008 sectarian conflict. The latest displacement crisis began in January 2014 with the emergence of ISIL.

6. Between January 2014 and August 2015, 2.9 million persons fled their homes in three new mass waves of displacement following offensives by ISIL; there were also many smaller events. From January 2014 to May 2014, 480,000 people were displaced following violent clashes between the Iraqi security forces and militant groups in Anbar Province. In June 2014, ISIL took over the city of Mosul, the second largest city in Iraq, resulting in an estimated 500,000 people fleeing their homes, many to other parts of the Ninewa Governorate and to the Kurdistan Region of Iraq. From June 2014 to August 2014, the total number of newly displaced persons was 1.2 million of which 833,800 had fled their homes in the north-western province of Ninewa. From September 2014 to June 2015, an additional 1,378,200 individuals were displaced by the conflict.

7. The sectarian dimension of the conflict is evident, including in the profile and situation of different groups of internally displaced persons. Many groups, including minorities such as the Christians, Shabak, Turkmen, Yazidis and other ethnic and religious groups, are particularly vulnerable due to their ethnic or religious identity. Persecution of minorities in territories under the control of ISIL has been widely documented, a situation which led the Special Rapporteur together with the Special Rapporteur on minority issues to issue a press release on 25 July 2014,[1] raising the alarm and calling for greater protection for vulnerable minorities.

8. The prospect of vast new displacement is real and requires a level of preparedness that has been absent in the past. Disturbing developments, including the fall of Ramadi to ISIL on 15 May 2015, resulted in large-scale new displacement. After the fall of Ramadi, more than 100,000 residents fled their homes in two waves of displacement, many seeking refuge in Baghdad.[2] Many were denied access on security grounds and the majority of those originating from Anbar remained displaced within that governorate. Government forces maintain that their objective is to regain control of Ramadi and other territory in Anbar, and significant new displacement can therefore be predicted.

9. A likely military operation by the Government to retake Mosul from ISIL is also predicted to result in hundreds of thousands of newly displaced persons due to the conflict and other factors, including fear of reprisals against the residents of Mosul for their perceived collaboration with ISIL. The humanitarian country team is preparing for the likely displacement of between 800,000 and 1.2 million people from Mosul if Iraqi forces launch an attempt to recapture it. It is essential that all possible precautionary measures be taken before any offensive action to ensure that necessary protection is accorded, and humanitarian assistance is in place and ready to be distributed to internally displaced persons.

[1] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=14904.

[2] According to the International Organization for Migration's Displacement Tracking Matrix.

III. Relevant frameworks for protection and assistance to internally displaced persons

A. Legislation

10. The Government of Iraq has the responsibility to protect internally displaced persons under the 2005 Constitution and international standards including the Guiding Principles on Internal Displacement. While a policy on the treatment of the displaced, the National Policy on Displacement,[3] was formulated by the Ministry of Displacement and Migration in 2008, it does not currently appear to represent an effective basis for action as it is not implemented by government officials in practice. The Policy provides a potentially valuable framework, broadly in line with the Guiding Principles, to address the needs of displaced Iraqis. It seeks to achieve durable solutions and give effect to protection from displacement as required in article 44 of the Constitution.

11. Key provisions of the National Policy on Internal Displacement include: protection of the right to property; recognition of the right to protection against arbitrary displacement; provision of necessary documentation by the Government to internally displaced persons; provision of compensation for lost property in the event of displacement; use of public-awareness campaigns to enhance the concept of national reconciliation; recognition of the right to freedom of movement; protection of the integrity of the family and community; development of a policy to control rent costs for returnee tenants; provision of social and psychological counselling programmes; facilitation of reintegration of internally displaced children in schools ; facilitation of the granting of loans to the previously self-employed to set up small enterprises.

12. It was evident that there was little awareness of the National Policy on Internal Displacement and its provisions. There was a lack of adherence to those provisions by line ministries and other institutions, rendering their potential to assist in guiding government action unfulfilled in practice. Civil society groups emphasized that the Policy existed only on paper and that consequently there was an urgent need for a functioning legal and policy framework as well as training and awareness-raising for public officials and that line ministries and institutions should assume responsibility for the implementation of the Policy.

B. Registration, data and needs assessment

13. Ensuring that internally displaced persons have vital identity and other documentation and registration is an essential first step to the provision of protection and assistance to them. The United Nations Strategic Response Plan 2014/2015, however, indicated that during the initial waves of displacement and their aftermath, only some 30 per cent of internally displaced persons were officially registered. Progress has been made with mass registration completed in the 11 governorates administered by Baghdad and new registration efforts have been under way in the three governorates of the Kurdistan Region of Iraq since the visit of the Special Rapporteur.

14. Many have lost documents or had them confiscated and consequently face challenges to their freedom of movement, registration and access to safety and assistance. Up to 50 per cent of displaced families reported that at least one family member lacked the

[3] Available from www.brookings.edu/~/media/Projects/idp/Iraq_2008_National_Policy.pdf?la=en.

civil documents critical to their legal identity.[4] The problem was brought home to the Special Rapporteur in the story of one internally displaced family who told aid workers that they had been unable to save their daughter, so how could they have saved their documents. Efforts to ensure that all internally displaced persons have the documentation to receive benefits and assistance are essential and require better coordination between the ministries involved, including the Ministry of the Interior, responsible for documentation, and the Ministry of Displacement and Migration, responsible for the registration of internally displaced persons.

15. Civil documents could only be issued or replaced by the Ministry of the Interior (General Directorate of Civil Status Affairs) in Baghdad, Najaf or Sheikhan, creating obstacles to replacing lost civil identity documents or Public Distribution System cards. The Special Rapporteur was informed that the Ministry plans to open new administrative offices in different regions and, following his visit, an office issuing civil documentation opened in Erbil to assist internally displaced persons from Ninewa Governorate. The nature of the displacement crisis and the restrictions encountered by persons travelling to access humanitarian assistance and protection or in taking steps to renew documents require innovative solutions, including the use of mobile documentation and registration facilities to reach internally displaced persons in their locations and provide legal and technical assistance.

16. Significant challenges remain with regard to registration, without which many internally displaced persons are left unable to access vital assistance. Concerns were raised regarding the technical capacity of the Ministry of Displacement and Migration to fulfil its registration function and regarding the lack of staffing, regional offices and a properly functioning registration and management system. Many were unable to register due to a lack of adequate documentation and to the procedures requiring them to replace documents in their places of origin, which is impossible for many internally displaced persons. Lack of information, difficult access to administrative offices or wariness over involvement with the authorities on the part of particular groups, such as Sunnis, are barriers to the registration of internally displaced persons and, as a result, to their gaining access to financial and other vital assistance. The Special Rapporteur was informed that the Government restricts registration of some persons originating in areas not listed as conflict-affected areas. Some governorates (Kirkuk, for example) have restricted registration for newly arriving displaced persons, reportedly out of concern for demographic balance and to discourage them from remaining in the governorate.

17. The actual number of internally displaced persons in Iraq is extremely difficult to assess and is often revised in view of the volatile security situation, the fluidity of population movements and frequent access restrictions for humanitarian personnel. A major challenge is reaching those persons who are scattered in thousands of hard-to-reach locations around the country, either due to ongoing fighting or lack of access to areas controlled by ISIL. In all areas, the great majority of internally displaced persons are living outside camps and are difficult to assess or reach with assistance. An estimated 2.3 million people were living in areas controlled by ISIL, while the number of internally displaced persons living in those areas is unknown.

18. The Displacement Tracking Matrix of the International Organization for Migration is an information management tool that has been used to gather specific information

[4] A late 2014 survey by the United States Agency for International Development indicated that 44 per cent of all internally displaced families had one or more members without a critical national identity card, the *jinsiya*.

regarding the status and location of internally displaced persons across Iraq.[5] From the beginning of January 2014 to 30 July 2015, the Matrix identified 3,171,606 internally displaced individuals (528,601 families)[6] displaced across 103 districts and 3,522 distinct locations in Iraq.[7] Approximately 87 per cent of internally displaced persons are originally from three governorates: 40 per cent from Anbar; 33 per cent from Ninewa; and 14 per cent from Salah al-Din. About 8 per cent are sheltered in camps, 69 per cent in private accommodation, while 20 per cent are classified as in "critical" shelter conditions. The shelter situation of 3 per cent is classified as unknown.

19. A survey conducted with the Displacement Tracking Matrix of internally displaced persons living with host families (approximately 26 per cent of the entire displaced population in Iraq) considered their population profile, primary needs and associated problems, perceptions of their safety and security, and their intentions. Some 44.6 per cent of families surveyed stated that they did not feel safe in their places of displacement, while 59,782 families (42.9 per cent) reported being affected by armed conflict in their location of displacement. Primary needs and problems included the cost, quantity and quality of food, lack of access to work, and poor quality or expensive housing. The vast majority, 97.6 per cent, expressed their intention to return to their place of origin.

C. Preparedness structures, systems and institutions

20. In July 2014 the Government of Iraq established the Supreme Committee for Relief and Displaced Persons in resolution 328 to coordinate its response to the crisis. The Committee was previously headed by the Deputy Prime Minister and, since August 2015 following suspension of that position, by the Minister of Displacement and Migration. Several relevant ministries are involved in the response with the objective of providing rapid assistance to displaced persons. The Committee established an executive committee with regional operational centres in the Kurdistan Region of Iraq, Kirkuk and other areas. Significant national financial resources totalling one thousand billion Iraqi dinar (819 million US dollars) have been provided to the Committee by the Government to finance its activities.

21. A Joint Coordination and Monitoring Centre, the national emergency coordination system, was set up by the Government while its Kurdistan regional counterpart, the Joint Crisis Coordination Centre was established by the Kurdistan Regional Government. Important steps have been taken to overcome barriers to coordination and cooperation between those bodies and to build their respective capacities with the support of United Nations agencies and key donors. Nevertheless, some commentators expressed concern regarding unclear roles and responsibilities across government institutions.

22. Prior to the latest phase of the crisis and emergency response, the Ministry of Displacement and Migration had coordinated and implemented a national policy concerning movements of Iraqi nationals.[8] The Ministry was set up in 2003 and is responsible for all matters relating to Iraqi refugees and displaced persons and all non-Iraqi refugees residing in Iraq. It develops policies to address migration issues and serves as the

[5] It is acknowledged that the Matrix does not track secondary displacement and that given the volatile situation numbers may not be accurate in some instances.

[6] The humanitarian country team revised the planning figures for the humanitarian response to 3.3 million internally displaced persons in view of the information available and the Matrix methodology.

[7] See draft country programme document for Iraq, available from 20150811_IOM_DTM_RoundXXVI_Report_August2015.pdf.

[8] See http://govinfo.library.unt.edu/cpa-iraq/pressreleases/20040508_displacement.html.

focal point for organizations assisting refugees and displaced persons. Among its stated objectives, the Ministry seeks to develop strategies to create durable solutions for internally displaced persons.

IV. Critical humanitarian and human rights challenges

23. Hundreds of thousands of individuals, including persons from all ethnic and religious communities, are living in extremely precarious conditions and often under the threat of violence or further displacement, and with basic and often inadequate shelter, health care, food and water provision. While some education initiatives exist, many internally displaced children are not receiving education other than what basic primary schooling can be provided within such communities. Many internally displace persons have few if any financial resources and little prospect of employment or income-generating activities. Those who are in territory controlled by ISIL are out of reach of humanitarian assistance.

A. Housing and shelter

24. Internally displaced persons are frequently living in substandard conditions in camps and other collective shelters as well as unfinished buildings. As at August 2015 about 236,626 internally displaced persons were registered as living in 40 formally recognized camps across Iraq. According to the Displacement Tracking Matrix, at the time of the Special Rapporteur's visit there were approximately 760,000 displaced Iraqis still living in critical shelter arrangements across the country, including unfinished buildings, religious buildings and informal settlements. Many live with host families, which puts a heavy burden on them. Assistance must therefore also be provided to whole communities affected by displacement. Those in rented accommodation or hotels, with dwindling financial resources face potential eviction.

25. Three categories of shelter arrangements for internally displaced persons have been classified: camps; critical shelter arrangements (school or religious buildings, informal settlements and unfinished buildings); and private settings (host families, rented housing, hotels). As at April 2015, some 64 per cent of internally displaced persons were sheltered in private settings. Another 26 per cent were in critical shelter arrangements, while 9 per cent were housed in camps. In Debaga, between Erbil and Mosul, the Special Rapporteur visited one camp containing 710 families living in tents under extremely hot climatic conditions, with few belongings, who relied on humanitarian assistance for food, water, health care and other essential needs. That situation is replicated in hundreds of locations around the country where internally displaced persons face harsh conditions and uncertainty about their future.

26. According to the United Nations Strategic Response Plan 2014/2015 at least 1.5 million Iraqis in host communities are in need of assistance; the humanitarian country team estimated that by the end of 2015 at least 6 million Iraqis in host communities would require some form of humanitarian assistance. The situation of those persons is frequently highly precarious due to lack of livelihood opportunities. It must also be recognized that the impact on host families is often equally severe and they may require assistance and support as demands on local services and resources are increasing owing to the influx of internally displaced persons. Attention to host communities is also essential to avoid tensions particularly in situations where the displaced belong to different ethnic or religious groups.

27. Stifling summer temperatures as well as plummeting winter conditions require "summerization" and "winterization" measures to create acceptable living conditions.

Climate-related illness and the spread of disease are serious concerns as temperatures become extreme. In November 2014, the Office for the Coordination of Humanitarian Affairs highlighted the fact that the majority of internally displaced persons living in unfinished buildings, tents or open areas lacked any source of heating and required urgent assistance or rehousing. The elderly, persons with disabilities, pregnant women and other highly vulnerable persons must be the highest priority. Adequate provision of water and sanitation facilities as well as of non-food items is essential.

B. Employment, livelihood and income

28. The Government provided an initial cash payment to internally displaced families of around $700 (ID 1 million) per family. That amount is sufficient to cover basic needs including shelter, food and essential items for only a few weeks. Some internally displaced persons interviewed by the Special Rapporteur reported not having received the grant due to administrative obstacles, including lack of documentation and registration, and delays and possible barriers based on their ethnic or religious identity. The Ministry of Displacement and Migration confirmed that, due to the dire financial situation of the Government and delays in registration, only 60 per cent of new internally displaced persons had received the cash transfer. Measures proposed to increase cash payments to them, including a smart card system for monthly payments, were not fully functioning at the time of the Special Rapporteur's visit and must be put into effect as soon as possible.

29. Internally displaced persons face challenges in finding employment or livelihood opportunities in their displacement locations. Work is frequently in short supply for the general population and displaced persons find little if any prospect of work or income-generating activities. In some cases they may find short-term or daily paid work and those with financial resources may be able to begin small income-generating activities. For the majority, however, work is not readily available and their existing resources are rapidly depleted. Household surveys conducted in numerous camps indicated that lack of income was frequently identified as a key concern and meant that internally displaced persons have to borrow money for food and other essential needs. The poorest households and female-headed households may face particular challenges and have to resort to negative coping strategies. Without income or cash grants to pay for rents or food, internally displaced persons find themselves in extremely precarious situations.

C. Access to health care

30. Internally displaced persons throughout Iraq face numerous challenges pertaining to their health and have little access to health care. Poor living and shelter conditions in extreme winter and summer temperatures can cause skin infections, such as scabies, and respiratory infections and can also cause and exacerbate chronic diseases. A shortage of potable water means contaminated water in some locations, which exposes people to waterborne diseases. At the time of the visit, with the arrival of summer temperatures of up to 50°C in some parts of Iraq, WHO representatives expressed concern about internally displaced populations and their extreme vulnerability to outbreaks, including cholera and hepatitis.[9] In early November 2015 a cholera outbreak had resulted in 2,217 confirmed cases in 15 of 18 governorates.[10] Some, including children, had physical injuries, trauma and psychological conditions as a result of the conflict.

[9] See www.un.org/apps/news/story.asp?NewsID=51032.

[10] See www.aljazeera.com/news/2015/11/launches-campaign-tackle-iraq-cholera-outbreak-

31. Many pregnant women have been forced to flee their homes. An estimated 25 per cent of displaced women are of reproductive age. According to the United Nations Population Fund, every week, there are 300 childbirths among displaced Iraqis in Dohuk Governorate alone.[11] In August 2014, the Fund estimated that there could be up to 19,000 pregnant displaced women in Dohuk. Access to specialist reproductive health care is therefore critical and must be put in place for all displaced women. While health-care assistance is more easily provided to those in camps or other collective shelters, an estimated 85 to 90 per cent of internally displaced persons find shelter outside collective facilities and are difficult to medically assess or reach. In areas overtaken by ISIL many hospitals, clinics and health services are thought to be partially or completely non-functional because of lack of medical staff and the damage done to medical facilities.

32. With little or no financial resources or income, many destitute internally displaced persons are reliant on assistance for the provision of essential health care and drugs. Despite the challenges, health services provided by the Government and national and international non-governmental organizations (NGOs) and the United Nations have reached millions. The Ministry of Health has been providing vaccinations with the support of the World Health Organization and the United Nations Children's Fund (UNICEF). Some 5.3 million children have been vaccinated against polio while United Nations and other international health organizations have provided mobile, prefabricated health clinics in areas where internally displaced persons are concentrated, and maintained the supply chain of essential medicines and supplies.

33. The United Nations, however, warned that without significant additional funding for health care, including US$ 60 million of critical funding, services would inevitably be cut back and that some front-line health services have already begun shutting down. In August 2015, a multimillion dollar shortfall forced the World Health Organization to close down 184 health clinics in 10 of Iraq's 18 districts, in areas that have seen severe fighting and massive internal displacement. The cuts have reportedly left 1 million people without access to health care. The World Health Organization reported that of its target to raise US$ 60 million to fund health care in Iraq only US$ 5.1 million had been given by donors by September 2015.[12]

D. Access to education

34. The majority of internally displaced children lack or have only limited access to basic primary education and some have been out of school for many months. This has also had an impact on host communities in areas that have absorbed large numbers of internally displaced persons. Services are overstretched and internally displaced persons have occupied over 1,200 schools and an additional number of religious buildings. This has resulted in education services being significantly affected. In some areas where schools are used as shelters, attendance has become almost impossible for both displaced children and those who are not. Humanitarian agencies have highlighted the need for internally displaced persons to be relocated to alternative facilities in order for the normal functioning of schools to resume.

35. By March 2015 an estimated 540,000 internally displaced children, equivalent to 68 per cent of the total at that time, were out of school. Those residing in host communities were identified as being the most affected. According to field research by the International

151106142858671.html.

[11] See www.unfpa.org/news/pregnant-women-forced-flee-escalating-crisis-iraq#sthash.SxSvSFKZ.dpuf.

[12] See /www.theguardian.com/world/2015/sep/06/refugee-crisis-un-agencies-broke-failing.

Organization for Migration in 2014,[13] obstacles to access to education for internally displaced children were identified and included lack of education facilities, loss of documentation, distance from schools (particularly for those living in rural areas) and limited family income, and sometimes the need for children to work in order to provide income to support their families.

36. The Government in cooperation with the United Nations Children's Fund and the education cluster partners are working to address the massive challenges posed by internally displaced persons, with positive results particularly in the camps. Nevertheless, by February 2015 the education cluster had received only 10 per cent of the funding required to meet basic education needs. Some schools have been rehabilitated, temporary learning spaces have been created and teachers have been trained in order for education needs to be met across all age groups.

E. Food security

37. Access to food and food security remain a major concern for many internally displaced persons as well as the general population in some crisis-affected regions. The supply of essential foodstuffs nationally and locally is uneven and food distribution is severely hampered in some locations by conflict and policy failings. Domestic food production has been severely affected in many regions, including Salah al-din, Ninewa, Kirkuk and Anbar, due to incursions by ISIL into those important agricultural and cereal production areas. The dramatically increasing numbers of internally displaced persons have placed an increasing strain on supplies and caused new requirements for food distribution. The Government is increasingly reliant on food imports.

38. All Iraqis qualify for government food rations through the Public Distribution System, which functioned effectively as a food and financial safety net during the international sanctions period in the 1990s and throughout the extended Iraqi crisis. The Public Distribution System card provides essential items, such as flour, rice, sugar, cooking oil and milk for babies. The current crisis is, however, straining the system. Many people fled without or lost their cards, government reserves of key items are low and distribution networks lack the flexibility to respond to population movements from one governorate to another. Those who have lost their cards are unable to receive rations until new cards are issued.

39. With millions of people currently food insecure, international and national humanitarian organizations are doing their best to fill the gap with food parcels to internally displaced persons and the communities affected. As of October 2015 the World Food Programme has been as a priority trying to reach an estimated 1.5 million persons who were considered highly vulnerable. Humanitarian partners have been providing food to 2 million people every month. Their own huge funding shortfalls, however, mean that they are hampered and frustrated in their efforts and only able to purchase small amounts of food locally. Lack of access to some communities affected means that many remain out of reach of government or United Nations assistance.

[13] International Organization for Migration Iraq Mission, *Ongoing Displacement: A Profile of Iraq 2013-2014*.

F. Security and freedom of movement

40. The Special Rapporteur received disturbing reports of internally displaced persons facing restrictions to their movement and being barred entry to safe locations on the basis of their ethnic or religious identity or place of origin. That potentially places them at significant risk and contravenes international standards and the Constitution of Iraq (arts. 24 and 44). Some governorates have refused access to internally displaced persons or only allowed them to transit. Reports indicate that in locations controlled by ISIL, civilians have been prevented from fleeing. Reports from Government-held territory still receiving internally displaced persons from the ISIL stronghold of Mosul, indicate that civilians attempting to flee face severe punishment if caught. Unverified reports suggest that ISIL has mined routes out of the cities resulting in deaths, while others, including children, have died while trying to leave on foot.

41. The Special Rapporteur was informed of sponsorship requirements for access by internally displaced persons to Baghdad and other locations, requiring families to provide a sponsor who is a resident. Many are not able to meet the criteria and are consequently turned back or left in precarious circumstances. Some families were asked to pay to obtain sponsors. In one case, 100 families seeking entry to Baghdad reportedly had to return to Ramadi where their homes had been damaged at a time when ISIL controlled much of the city. Ramadi subsequently fell to ISIL on 15 May 2015 causing a further wave of internally displaced persons. Many thousands were prevented by the Iraqi army from crossing the Euphrates River to central Baghdad and were stranded for days in soaring temperatures without adequate shelter or basic services.

42. The Babil Governorate refused to admit displaced men aged between 15 and 50 years, putting them at risk and causing family separation as only women and children were allowed entry. The Government pointed out that that was due to constant security threats to the Governorate owing to its close proximity to Anbar Governorate and it was required to ensure security and safety of the population. Despite an announcement by the Prime Minister on 18 April 2015 that the sponsorship requirement would be lifted, it was evident that it remained in place at the time of the visit of the Special Rapporteur and particularly affected the internally displaced Sunni and those coming from Sunni areas including Anbar Province.

43. The Special Rapporteur was informed that from mid-November 2015, approximately 1,800 individuals belonging to an Arab Sunni community were displaced from villages (Na'iniah, Gulat and Ayasha) in Telafar district, and were stuck between Peshmerga forces and ISIL. The Kurdistan authorities reportedly refused to permit passage to safe areas and humanitarian assistance due to allegations of the community's support for ISIL. While some left independently, approximately 105 families (559 individuals) reportedly remained stranded near Golat village between a Peshmerga base and ISIL. They reportedly lacked food and water, were shelled by ISIL and warned to leave or face attack. They were reportedly informed that they would not be allowed to cross Peshmerga lines without clearance from the Kurdistan Regional Government.

44. Government officials stated that security concerns include ISIL fighters infiltrating communities of internally displaced persons. As a result the Government is required to restrict or carefully manage their movement. It was pointed out that following previous flows of internally displaced persons into Baghdad, the incidence of bombings in the city had markedly increased, justifying such restrictions. The Government maintained that where such security concerns existed, there were procedures that facilitated access for internally displaced persons to alternative safe locations and constructed camps, for example on the outskirts of Baghdad, in Bzeibeiz, Al-Khalidiya and Amiriyat al-Fallujah.

45. Internally displaced persons were reportedly arrested and detained, raising concerns, including with regard to due process, conditions and duration of detention, and access for lawyers and family members. Some internally displaced Sunnis in Debaga camp in the Kurdistan region informed the Special Rapporteur at the time of his visit that male family members had been detained and that they had had little or no information about their location nor any contact with them.

46. The Special Rapporteur emphasized the fact that all internally displaced persons have the right to move freely and to gain access to safe areas and humanitarian assistance. Measures should be taken to facilitate that right and to assist their movements in safety, irrespective of their ethnic or religious identity, as well as to provide them with all the necessary assistance. Any restrictions on movement must be justified, temporary, specified in law and non-discriminatory. While acknowledging legitimate security concerns, individuals should be vetted in safe locations, transparently and according to the law and tried or immediately released where no crime has been committed. All barriers to access to safe locations must be lifted. Family unity must be protected and it is unacceptable to separate men from their families without legal justification and due process in accordance with international standards.

G. Discrimination and violence against internally displaced persons

47. Internally displaced persons of Sunni Arab identity face particular discrimination and restrictions to their freedom of movement and ability to reach safe locations. Some have faced threats and violence in locations including Baghdad where Sunnis are treated with suspicion, including by security forces and militias. Human Rights Watch reported abuse, shouting of anti-Sunni slogans and the houses of Sunnis being set on fire, which resulted in thousands leaving Baghdad and seeking refuge in Erbil.[14] On 28 April 2015 unidentified armed men in military and police uniforms raided the house of a displaced Sunni family in the Jihad neighbourhood of Baghdad. Eight Sunni men were allegedly taken away blindfolded and later shot in the head at a school building. No investigation was undertaken into the attack.

48. Internally displaced persons of some ethnic or religious backgrounds have allegedly been prevented by security forces from returning to their homes while others of different identity are allowed to return and to occupy the property of others. In northern Ninewa and in Diyala, Sunni Arabs were reportedly barred from returning to their homes in areas controlled by Kurdistan forces. The authorities cite the state of war and the need for further security checks. Many Arab villages reportedly remain empty in northern Ninewa, despite the fact that the territory is under Kurdistan Regional Government control and the Sunni Arab population has been displaced to nearby areas.

49. The creation of independently operating militias known as Popular Mobilization Forces and their activities and control over certain areas is cause for concern. The Special Rapporteur was informed of allegations of militias destroying homes, forcing people to leave their homes or preventing their return on the basis of factors including ethnic or religious identity. The Special Rapporteur highlights the fact that the actions of all armed persons must conform to international law and standards for the treatment of civilians, including internally displaced persons. Any selective return policy or barriers to the return of those belonging to certain groups on the basis of their ethnic or religious identity would be discriminatory and illegal under national and international law and standards, including the Guiding Principles on Internal Displacement.

[14] See www.hrw.org/news/2015/05/29/iraq-curbs-put-war-s-displaced-risk.

V. The situation of particularly vulnerable groups

A. Gender issues and prevention of sexual and gender-based violence

50. The situation of women and girls who have been internally displaced is particularly alarming. Credible reports refer to the systematic use of sexual violence, forced marriage, sexual slavery and other forms of sexual and gender-based violence perpetrated by ISIL. Atrocities have been carried out against women and girls from different ethnic groups, including Christian and Yazidi minorities, as well as both the Shia and Sunni population. Assistance is required for survivors of violence who manage to flee after having survived rape or other forms of violence, and services should be strengthened. Consequently the United Nations Population Fund reported that it is scaling up its medical and psychosocial assistance for survivors of sexual violence. Mobile psychosocial teams have been deployed in displacement sites and integrated into health, maternity clinics and community services.

51. The threat of sexual and gender-based violence can be high for internally displaced women and monitoring and protection measures must be put in place. Conflict has caused deaths of men and the break-up of family unity resulting in an increasing number of female-headed households. Lacking family, community and economic support networks, internally displaced women may be left destitute and at heightened risk of abuse and exploitation, including trafficking, prostitution and sexual violence. Should women experience sexual and gender-based violence, the resulting stigma may result in them being unwilling or unable to return to their homes or communities. Domestic violence against women has also reportedly increased as families face dire conditions, economic insecurity and unemployment.

52. National and international organizations provide support to women affected by violence who have escaped from ISIL-controlled territory and attempt to meet their medical and psychosocial needs. According to one report,[15] however, government assistance to women who have escaped ISIL is minimal, thinly stretched and should be urgently improved. According to the Yazidi Fraternity and Solidarity League, none of the 175 female returnees from ISIL captivity whom it interviewed had been registered by any official agencies nor had they received any type of support from the Government. Several suicides among internally displaced women have been recorded. The Yazidi religious leadership has tried to play a positive role, taking a public stance that women should not be shamed as a result of any sexual violence that they have experienced.

B. Child protection

53. Children displaced by conflict experience concerns directly relating to their displacement and the breakdown of family and community protection structures. These include physical and/or psychological violence; killing or injury throughout the displacement experience; child labour or exploitation; abduction; recruitment by armed groups; and physical and sexual abuse. Children may experience separation from family members or caregivers, the death of relatives, and may have witnessed extreme violence. Children may become carers or have to take on care roles and responsibilities within households where family and community support mechanisms have broken down. There is a clear need for enhanced levels of psychosocial support for internally displaced children.

[15] Miriam Puttick, Minority Rights Group International and the Ceasefire Centre for Civilian Rights, *No Place to Turn: Violence against Women in the Iraqi Conflict* (February 2015).

54. Registration of births is essential for protection and to avoid statelessness and yet many internally displaced families do not or cannot register children born in camps or urban settlements owing to various factors including a lack of birth registration facilities or access to such facilities, procedural barriers such as missing documents, lack of information and insecurity.

C. Minorities

55. Numerous ethnic and religious minorities have long histories in Iraq. While all population groups are seriously affected by the conflict, some smaller ethnic and religious groups have been particularly vulnerable to displacement. Numerous United Nations and NGO reports have recorded that ethnic and religious minorities, including Assyrians, Christians, Kaka'i, Shabak, Turkmen and Yazidis, have been targeted by ISIL with thousands killed, injured, abducted or forced to flee. Reports have documented summary executions, forced conversion, rape, sexual enslavement, the destruction of places of worship, the abduction of children, the looting of property and other human rights violations prohibited under international law repeatedly committed by ISIL.

56. Violence appears to be part of a systematic strategy by ISIL to permanently remove some communities from areas where they have lived for centuries. Christian communities, for example, were told to leave Mosul or face execution. The Shabak people numbering 200,000 to 500,000, located for centuries in the Ninewa plain area, are viewed as heretics by Islamist militias who have targeted them as a result. The Shabak population in Mosul was forced to flee harassment and killings, many taking refuge in Karbala and the Kurdistan region. ISIL militants regard Yazidis as infidels and they have been regularly targeted. In August 2014, the Special Rapporteur joined other special procedures mandate holders in urging the international community to protect tens of thousands of Yazidis forced to flee their homes in Sinjar, northern Iraq.[16]

57. The extent of the violence targeted against such ethnic and religious groups and poor prospects for their safe return to their homes have resulted in many looking for refuge outside the country. For many, internal displacement has become a staging post for fleeing Iraq. Prior to 2003 Christian minorities were thought to number up to 1.8 million people; at present only around 350,000 remain. In the report entitled *Between the Millstones: Iraq's Minorities Since the Fall of Mosul* it is stated that: "This perspective is rooted both in a sense of hopelessness about the prospect of return and frustration with the continued deterioration of humanitarian conditions. There is a lack of trust that the government will provide the necessary support to facilitate returns, locate missing persons and ensure the return of looted possessions."[17]

58. A systematic campaign by ISIL to eradicate the culture, history and identity of ethnic and religious communities in the areas under its control has resulted in buildings, monuments and other sites of immense religious, cultural and historical importance being destroyed — including churches, mosques and tombs, as well as irreplaceable ancient manuscripts and texts belonging to Iraqi Assyrians, Shabak, Turkmen, Yazidis and other minorities.[18]

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[16] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14936&LangID=E.

[17] Available from http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf.

[18] Ibid.

VI. Internally displaced persons in the Kurdistan Region of Iraq

59. The Special Rapporteur visited the Kurdistan Region of Iraq and commends the Kurdistan Regional Government for its support for vast numbers of internally displaced persons. An estimated 39 per cent of all such persons (some 1,049,694 individuals) were located in the Region at the time of the visit. Senior government officials emphasized that the population of the Region had increased by 28 per cent due to the influx of internally displaced persons, the great majority from different non-Kurdish ethnic and religious groups. The Kurdistan Regional Government expressed concern over its capacity to absorb and support further internally displaced persons, for example those who might flee a possible government offensive against the city of Mosul, held by ISIL.

60. According to a Kurdistan Regional Government-World Bank report from February 2015, the Kurdistan Region of Iraq was facing an economic and humanitarian crisis as a result of both the influx of Syrian refugees (from early 2012) and internally displaced persons in 2014 and the fall in global oil prices. Economic growth contracted by 5 per cent and the poverty rate more than doubled, from 3.5 per cent to 8.1 per cent.[19] The report estimated the cost of stabilizing the economy in 2015 at an additional US$ 1.4 billion. The report also highlighted the fact that more resources were needed to address the needs of the displaced population in the medium and long term. The Kurdistan authorities told the Special Rapporteur that the Region was not receiving its full allocation of the national budget on a regular basis, further hampering its ability to respond effectively.

61. A household survey of formal and informal sites in the Kurdistan Region of Iraq (Dohuk, Erbil and Sulaymaniyah Governorates) and disputed areas of the Ninewa and Diyala Governorates revealed that essential assistance was being provided to tens of thousands of internally displaced persons in the region by the Government, United Nations agencies and national partners. Key concerns were, however, identified, including accommodation in tents and concerns over "winterization"; lack of household income and diminishing savings leading to negative coping strategies; poor or borderline food consumption and levels of nutrition; missing civil documents; general health-care concerns and high numbers of pregnant or lactating women; and restrictions on movement for those in some camps.[20]

62. The Special Rapporteur visited internally displaced person locations in the region, including the former resort town of Shaqlawa where thousands of Sunni Arabs have fled the war further south in Anbar Province and at present outnumber the local Kurdish population, fuelling concerns over demographic changes. The Special Rapporteur visited internally displaced persons in collective centres and some in unfinished buildings who expressed their relief to be in a safe location, but concern regarding employment, services and their prospects for return. The town's services have been overwhelmed by the influx of internally displaced persons and some concerns exist over the ability to maintain harmonious relations between them and the host community.

63. The Special Rapporteur also visited a temporary displacement centre near the village of Debaga situated 44 km south-west of Erbil. Some 710 Sunni Arab families were living there at the time of his visit, having been displaced from villages along the front line of the conflict between Erbil and Mosul due to the ISIL offensive in 2014. The Kurdistan

[19] See www.worldbank.org/en/news/press-release/2015/02/12/kurdistan-region-iraq-stabilize-economy.

[20] The REACH initiative is a joint initiative of two international NGOs, ACTED and IMPACT Initiatives, and the Operational Satellite Applications Programme of the United Nations Institute for Training and Research, available from http://reliefweb.int/report/iraq/reach-conducts-third-round-idp-camp-profiling-kurdistan-region-iraq.

authorities restrict access without sponsorship to Erbil city and other camps in the governorate for that group of displaced persons on the grounds of possible security concerns among the population. It was pointed out that they were allowed access to Kirkuk. The Mayor stated that their choice was either to go to ISIL or to stay with them.

64. Internally displaced persons in the Debaga settlement were entirely dependent on aid, had no source of funds and very limited opportunities to work, for example, as agricultural labourers. Some stated that they had not received the one-off cash grant of ID 1 million that the Government provided. They lived in extreme conditions in tents with a chronic lack of water, which has to be supplied by tankers on a daily basis. It was also pointed out that internally displaced persons were facing restrictions to their freedom of movement and had no option but to remain at the site, which contravened their rights to freedom of movement and to freely choose their location. In comparison, displaced Christians and Yazidis were allowed freedom of movement.

65. The Special Rapporteur was concerned by the close proximity of the internally displaced persons to a militia training camp and by reports that many of the displaced men had been recruited into the militia. He emphasized the importance of maintaining the civilian character of all the facilities for displaced persons and the risks posed, including forced or coercive recruitment of men and boys and the threat to civilians who might be associated with the militia. Following the Special Rapporteur's visit, the militia was moved from the campsite and in October 2015 the internally displaced persons in Debaga were moved to a newly completed camp comprising concrete houses, accessible to humanitarian organizations.

66. Some internally displaced persons informed the Special Rapporteur that male family members had been detained by the army on the grounds of suspected affiliation with ISIL, a fact acknowledged by local officials. One woman stated that her husband, a teacher, had been detained by security forces in January 2015. A man reported that his three sons and his brother had been detained in February and March. Internally displaced persons interviewed had not been able to visit detained relatives and had only been able to communicate occasionally through the International Committee of the Red Cross. Some 70 detention cases of mostly Arab men were documented at the time of the visit. Some have been charged with acts relating to terrorism.

VII. Progress towards achieving durable solutions

67. The high numbers of displaced persons have put pressure on the Government and the already overstretched humanitarian personnel to respond to immediate needs. This has inevitably limited attention to early recovery, resilience and livelihood initiatives. Steps towards durable solutions are essential and, as established in the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons, comprise either sustainable reintegration at the place of origin; sustainable local integration in areas where internally displaced persons take refuge; or sustainable integration (resettlement) in another part of the country.[21] Efforts to achieve durable solutions for internally displaced persons in Iraq are in their infancy and due to conflict conditions are not conducive to the return of many of them to their areas of origin.

68. Some internally displaced persons have returned to their places of origin as monitored from 27 March 2015,[22] as some previously insecure areas have been liberated.

[21] See www.unhcr.org/50f94cd49.pdf.

[22] Based on data detailed in the Displacement Tracking Matrix, which launched a parallel monitoring

As at 30 July 2015, some 49,220 families were reported to have returned to their locations of habitual residence in five governorates, with most returning to Diyala, Salah al-Din and Ninewa. Support for returning populations is being coordinated through the humanitarian cluster system, although access, capacity and funding constraints have had an impact on the timing and scale of assistance.

69. In many locations of possible return, houses and infrastructure have been totally destroyed. Some houses have reportedly been wired with explosives by ISIL and a state of fear prevents internally displaced persons from returning. Concerns were also raised that some returns to certain locations were being encouraged by the Government without a full assessment of safety and security in those localities and that consultation and consent criteria were not being met. Unconfirmed reports indicated that buses were provided to return some internally displaced persons to their places of origin and payments to them were conditional upon their return. Any returns must be voluntary, monitored, safe and dignified. Many areas require complete reconstruction before return becomes a possibility.

70. There is a lack of dialogue with or willingness on the part of the Government to pursue local integration, which it currently does not consider as a viable alternative to returns. The Special Rapporteur reiterated that internally displaced persons have the right to freely choose whether to return or to seek alternative durable solutions. Return to a place of origin does not, in itself, constitute a durable solution until persons no longer have specific assistance and protection needs linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. Justice, reconciliation and the rebuilding of trust between communities, and between communities and the Government, are required in the short, medium and long term for communities that have been targeted.

71. Some positive initiatives to build resilience and recovery are under way and should be enhanced. For example, the United Nations Development Programme supports temporary income-generating projects that aim to clean the environment and benefit both displaced and host communities. Two NGOs, ACTED and the Danish Refugee Council, conduct cash-for-work activities with internally displaced persons for garbage collection in the camps of Chamishku, Dawoodiya, Akre, Kabarto I and II and in the nearby village of Delobi with funding from the Programme.[23] The UNDP Funding Facility for Immediate Stabilization finances fast-track initiatives given priority by local authorities in areas retaken by the Government. These are helping improve and normalize conditions in highly sensitive areas and laying the groundwork for the return of people displaced by violence.

VIII. Role of the international community

72. United Nations humanitarian agencies and other international organizations are plugging the huge gap in humanitarian assistance to internally displaced persons and refugees to the best of their ability. Their staff members must be commended and some have lost their lives in the exercise of that essential work. They are, however, stretched thin and can only work within the confines of the resources and access that they have — which are seriously inadequate at the present time. These dedicated agencies bear the brunt of criticism on the ground and yet it is the shortfall in funding across all sectors that hampers their work.

system of returnees on 27 March 2015.

[23] See www.iq.undp.org/content/iraq/en/home/presscenter/pressreleases/2015/05/21/improved-basic-social-infrastructure-key-to-displaced-and-host-communities-in-dohuk-camp-opening-in-dawoodiya/.

73. In the context of the armed conflict and the humanitarian crisis, the official status of Iraq as a middle-income country is misleading. The Government lacks the capacity and resources to fully meet the humanitarian needs of internally displaced persons and current and future development and reconstruction requirements are equally massive. It is therefore imperative for the international community to recognize the challenges that the country faces, and for it to remain a consistent and reliable partner in providing humanitarian and development assistance.

74. Mobilizing adequate funding remains a major challenge. On 4 June 2015, the United Nations appealed for US$ 497 million dollars to provide shelter, food, water and other life-saving services over the six months from June 2015. The United Nations Humanitarian Coordinator for Iraq described the aid operation as hanging by a thread and pointed out that more than 50 per cent of the operation would be shut down or cut back if money was not received immediately, with implications that would be catastrophic.[24] The United Nations stated that so serious was the funding shortfall that 77 front-line health clinics had been forced to close and food rations for more than 1 million people had been reduced. Without additional funding, many more life-saving services would be withdrawn.

75. By mid-2015 the education cluster had received only 10 per cent of the funding required to meet the needs of a caseload of 500,000 people. The water and sanitation cluster had received only 25 per cent of the funding required for 3.5 million people and the health and protection clusters, only 30 per cent. The cluster for camp management, essential to improve camp conditions, had received only 2 per cent of the funding required.

IX. Conclusions and recommendations

76. Primary responsibility to protect and assist internally displaced persons lies with national Governments. The Government of Iraq has demonstrated some political will and commitment to addressing the situation. Intensified efforts are, however, required to meet the humanitarian needs and protect the human rights of many of the millions of internally displaced persons. Iraq has neither a legal framework for addressing the rights and needs of those persons nor a comprehensive policy in line with international standards, including the Guiding Principles on Internal Displacement, that is implemented in practice. Its resources are diminishing due to the conflict and prevailing economic conditions, reducing its capacity to respond effectively to the displacement crisis.

77. Since mid-2014, the ongoing conflict with ISIL has created a scenario of mass and unpredictable internal displacement. The Government's approach to date has consequently been largely reactive as it has struggled to respond to large and rapid displacement flows. New large-scale displacement events can be predicted, such as those likely to be caused by government counteroffensives against ISIL in Anbar Province and Mosul. Iraq and the international community must prepare for the protracted displacement of hundreds of thousands of internally displaced persons.

78. The Government of Iraq should intensify its efforts and devote additional resources to meeting the needs of internally displaced persons in a systematic and comprehensive way and to putting in place contingency measures for new displacement. Supported by international development partners, it must also at present turn overdue attention and resources to promoting early recovery, resilience-building and livelihood initiatives that are necessary to ensure durable solutions for

[24] See www.un.org/apps/news/story.asp?NewsID=51050.

internally displaced persons. The Government should ensure that viable options for local integration or voluntary resettlement are in place for those who cannot or do not wish to return to their original homes.

79. The Special Rapporteur makes the following recommendations:

Legislation and policy

80. A legal and policy framework on internally displaced persons must be established and implemented nationally with budgets in place to help guide and regulate government action at the national and regional levels and provide legal guarantees and recourse to internally displaced persons. More effective and coordinated governance, response structures and institutions are required, including measures to improve cooperation between the central Government and the Kurdistan Regional Government.

81. The Iraqi National Policy on Displacement, formulated in 2008, provides a valuable national framework for action. The Government should recommit to this Policy, with the necessary revisions, and take immediate steps towards its full implementation in practice.

Documentation, data and needs assessment

82. Comprehensive national documentation of internally displaced persons is essential to ensure that they have access to protection and assistance. It would assist in the strategic and operational planning, programming and monitoring of assistance to internally displaced persons.

83. Full profiling and needs assessment should be conducted to ensure that the Government and its humanitarian partners have accurate data on the identity, location and needs of all internally displaced persons and that they put in place necessary strategic responses and protection measures. A survey of intent could assess the likelihood of the return of the internally displaced persons, and their desire for local integration or relocation within the country.

84. While outreach to internally displaced persons in areas controlled by ISIL remains highly problematic, efforts to achieve contact and provide support to those who may be seeking safety and/or vulnerable to violence should be considered.

85. The situation and needs of host families and communities that provide vital support and assistance to internally displaced persons must be taken into account to ensure that assistance reaches them as necessary and to prevent, to the fullest extent possible, tensions emerging between the displaced and host communities.

86. Additional, appropriate and secure shelter and housing options for internally displaced persons are required. Cash payments, or vouchers, must be ensured for those living in rented accommodation who may be at risk of eviction. Those in tents, unfinished buildings or makeshift accommodation should be provided with suitable alternatives as soon as possible, particularly in view of the harsh summer and winter temperatures.

87. Appropriate mechanisms must be put in place to reach internally displaced persons outside camps who may lack information, essential service provision and urgent protection. Initiatives such as hotlines have proved effective in the Kurdistan Region of Iraq and should be extended to central and southern regions.

88. The Government must assign the financial assistance required for internally displaced persons to meet their basic needs during the emergency phase and dedicate

resources to achieving durable solutions. It should consider establishing a permanent fund for them and humanitarian assistance based on a percentage of oil revenues. This would provide a guaranteed national funding stream and remove the current overreliance on unpredictable international funding.

Protection and non-discrimination

89. Internally displaced persons have a right to move freely and to seek safety. Measures should be taken to facilitate that right, irrespective of their ethnic or religious identity. Any restrictions on movement must be temporary, non-discriminatory and specified in law, and in situations of risk all barriers to gaining access to a safe location for internally displaced persons must be immediately lifted.

90. While legitimate security concerns require responses, these must be temporary, have a legal basis and be non-discriminatory both in international humanitarian law and international human rights law. Family unity must be protected and it is unacceptable to separate men from their families without legal justification and due process in accordance with international standards.

91. All internally displaced persons must be treated equally, including with regard to their access to safety and assistance, on the basis of their rights, needs and situations without discrimination on the grounds of their ethnic or religious identity, their place of origin or any other factor.

92. The Special Rapporteur was alarmed by widespread and systematic sexual and gender-based violence in areas under the control of ISIL. He notes the April 2015 visit to Iraq by the Special Representative of the Secretary-General on Sexual Violence in Conflict and urges the Government to fully implement her recommendations, including those on internally displaced women who are highly vulnerable.

93. A comprehensive and systematic mechanism for the protection of children, including unaccompanied and separated children, should be established as soon as possible. All parties to the conflict have a responsibility to protect children, including displaced children, from violence, to prevent their recruitment and stop attacks on civilian locations, including schools where children may be at risk.

94. There is a crisis of education that, if not urgently addressed, will have a long-term impact on a generation of children and on the country's stability, potential for reconciliation and economic growth. Education should consequently be considered as a humanitarian and protection issue. Funding for education must be given higher priority and be greatly increased.

95. Accessible birth registration facilities should be put in place and internally displaced persons should be provided with information to ensure that births are registered either in hospitals or through the use of mobile registration facilities for those in rural or hard-to-reach locations.

96. Enhanced protection and assistance must be given to vulnerable ethnic and religious groups, including Christians, Kaka'i, Shabak, Turkmen and Yazidis, who have been disproportionately targeted and displaced by extremists. Their safe and voluntary return or integration into other locations is essential as are their full role in national institutions and dialogue in order to preserve their existence in Iraq and the rich and diverse cultural heritage of the country.

97. Humanitarian aid should be driven by needs alone, without any discrimination on the basis of ethnicity or religion. In particular, internally displaced persons from the Sunni Arab community must receive assistance from the Government on the same basis as all other population groups.

Progress towards achieving durable solutions

98. **The Government, together with its national and international humanitarian and development partners, must begin a dialogue on durable solutions and take concrete steps towards improving resilience and recovery strategies for internally displaced persons. Community-based interventions to improve access to livelihoods should be established and supported as soon as possible.**

99. **The Government and its partners should develop a comprehensive strategy to support the return of internally displaced persons to their original localities and homes where possible. They should be informed of their return which should be voluntary, assisted and carried out in conditions of safety and dignity. Community reconciliation and social cohesion projects should be established where necessary. That may require specially trained units, police and other public officials to avoid problems and tensions emerging.**

100. **Durable solutions for internally displaced persons who are unable or unwilling to return to their homes must include local integration or voluntary resettlement as viable options allowing them to move from temporary shelter to secure, longer-term and appropriate accommodation with livelihood options, education, health care and all other services in place.**

101. **The rights and needs of over 1 million persons previously displaced prior to the conflict with ISIL and in conditions of protracted displacement must not be neglected or dismissed and necessary attention should be given to providing durable solutions for them.**

Role of the international community

102. **Solving the crisis in Iraq and ensuring assistance and protection of internally displaced persons must remain a high priority on the international agenda. The capacity of the Government to meet the needs of such persons is limited, while United Nations agencies are constrained by a lack of international support and finances to deal with the humanitarian situation. While Iraq is perceived as a middle-income country with oil resources, global oil prices have fallen and conflict with ISIL has dramatically reduced available resources.**

103. **The funding shortfall for international humanitarian assistance is seriously hampering the ability of United Nations specialized agencies to fulfil their humanitarian and protection functions. The international community is urged to provide, as a matter of urgency, adequate additional funds and other resources required as well as to guarantee funding for recovery and durable solutions in the longer term.**

Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic*

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* Circulated in the language of submission and Arabic only.

I. Introduction

1. In accordance with his mandate contained in Human Rights Council resolution 23/8 and at the invitation of the Government, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, undertook an official visit to the Syrian Arab Republic between 16 and 19 May 2015. The objective was to examine the human rights situation of internally displaced persons in the context of the ongoing conflict that has engulfed the country since 2011, to consider legal frameworks, policies and programmes to respond to the displacement crisis and to make a series of recommendations to the Government and other national and international stakeholders.

2. The Special Rapporteur travelled to Damascus and the surrounding areas of rural Damascus, and the cities of Homs and Latakia. He consulted widely with government representatives, United Nations and other international and national humanitarian and human rights partners, and civil society. His visit included visits to numerous collective shelters for internally displaced persons in order to consult directly with them, to see their situations first-hand and to hear from them about their conditions, needs and expectations.

3. The Special Rapporteur thanks the Government for its invitation to visit and for the high-level meetings arranged. He also thanks the United Nations bodies and specialized agencies in the Syrian Arab Republic for facilitating all aspects of his visit and the numerous national and international humanitarian partners for their assistance.

4. The Special Rapporteur takes this opportunity to pay tribute to the civilian population, which has borne the brunt of the violence. In particular he recognizes those who have opened their homes to internally displaced persons and shared what little they have, and who continue to demonstrate their humanity and that hope exists for a brighter future for the Syrian people. Equally, many humanitarian workers from both United Nations agencies and international and national non-governmental organizations are putting their lives at risk performing their functions often in extremely difficult and dangerous circumstances.[1] Many volunteers are dedicating their time and energy to assisting internally displaced persons and providing essential support in collective shelters.

5. The prevailing security situation at the time of the Special Rapporteur's visit placed numerous restrictions on his ability to travel widely and access collective centres for internally displaced persons around the country. While he visited several such centres in the vicinity of Damascus, Homs and Latakia, he regrets that he was not able to freely visit all locations owing to security issues and restrictions on access to certain locations and centres. The present report is therefore informed by verified and credible information provided by the United Nations, the Government and other national and international civil society actors.

6. This is the second report of the Special Rapporteur on the situation of internally displaced persons in the Syrian Arab Republic. On 15 May 2013, in its resolution 67/262, the General Assembly requested him to submit to it a report on the situation of internally displaced persons in the country in terms of safety and their basic rights and livelihoods, and to provide recommendations with a view to meeting assistance and protection needs and strengthening the effectiveness of the international response to displacement (para. 21). The report was subsequently submitted on 15 July 2013(see A/67/931).

7. While the official visit of the Special Rapporteur took place in May 2015, the present report takes into account major developments relevant to internal displacement and the situation of internally displaced persons during the drafting period. He shared his

[1] As of the end of 2014, there had been 92 incidents against humanitarian workers in the Syrian Arab Republic. See https://aidworkersecurity.org/incidents/report/country.

preliminary findings with the Government at the conclusion of his visit.[2] In view of the gravity of the situation, he urges the Government to continue to cooperate with his mandate to ensure the protection of the human rights of internally displaced persons.

II. Context, causes and patterns of internal displacement

8. The Syrian civil unrest began in March 2011 in the southern city of Dara'a. After security forces opened fire on demonstrators protesting about the arrest and torture of teenagers accused of painting revolutionary slogans, killing several people, the unrest spread and there were nationwide protests calling for the President to resign. As the Government moved to forcefully supress the protest movement, hundreds of thousands took to the streets resulting in confrontations with security forces. Over the coming months, the violence escalated and non-State armed groups formed in several cities and towns, including in the governorates of Dara'a, Idlib, Tartus, Latakia, Aleppo, Homs and Damascus. On 15 July 2012, the International Committee of the Red Cross declared the Syrian conflict a civil war/non-international armed conflict. As fighting escalated in urban areas, the number of internally displaced persons increased dramatically.

9. The self-proclaimed Islamic State in Iraq and the Levant, also known as Daesh, has its origins in Iraq. Following the death in 2006 of its leader, Abu Musab al-Zarqawi, Al-Qaida in Iraq created an umbrella organization, Islamic State in Iraq. In January 2012, under the leadership of Abu Bakr al-Baghdadi, Islamic State in Iraq set up al-Nusrah Front to operate in the Syrian Arab Republic under the leadership of an Al-Qaida commander known as Abu Mohammad al-Julani. In April 2013, Al-Baghdadi merged forces operating in Iraq and the Syrian Arab Republic and announced the creation of "Islamic State in Iraq and the Levant" (ISIL) with the objective of establishing an Islamic "caliphate" with himself at the helm. Abu Mohammad al-Julani of al-Nusrah Front rejected the move, however many fighters loyal to Baghdadi split from al-Nusrah Front and helped ISIL make large inroads in the country and expand its offensives in a number of territories in northern, central and southern parts of the country. The horror of the conflict and the brutality of ISIL fighters led to further mass displacement of populations.

10. From 2011 onwards, numerous armed clashes led to the displacement of tens of thousands of civilians from different locations. Around 1 million people were displaced due to fighting in Aleppo in October and November 2013, while hundreds of thousands more were displaced from Aleppo as a result of barrel bombs and shelling as of mid-December 2013. By 2013, the extent and multiple fronts of the conflict had led to an average of 9,500 persons being displaced each day.[3] By June 2014, close to half of the entire population had fled their homes, with almost a third of the population displaced within the Syrian Arab Republic, the remainder having fled to neighbouring countries. In 2015 alone, more than 1.6 million people were newly displaced by events, including the fall of the city of Idlib and other areas in Idlib governorate to non-State armed groups from March to May 2015, which led over 300,000 people to flee their homes.

11. These incidents and many others demonstrate the grave challenges and the difficulty of predicting and responding to massive displacement flows caused by the shifting dynamics and multiple fronts of the conflict. The prospects for new displacement and mass population movement is high given the instability in many parts of the Syrian Arab Republic and the ongoing conflict with armed opposition groups, as well as the devastating role of ISIL. Dire

[2] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16008&LangID=E.

[3] See www.internal-displacement.org/middle-east-and-north-africa/syria/2014/syria-forsaken-idps-adrift-inside-a-fragmenting-state.

warnings from the United Nations predict that the conflict could displace hundreds of thousands more if it continues unabated.

12. Before the conflict, the Syrian Arab Republic was considered a middle-income, developing country. According to the United Nations:

> Syria's development situation has regressed almost by four decades. Since the onset of the crisis in 2011, life expectancy is estimated to have shortened by almost 13 years (Q4, 2013) and school attendance dropped more than 50 per cent. The Syrian Arab Republic has also seen reversals in all 12 Millennium Development Goal indicators. The Syrian economy has contracted by an estimated 40 per cent since 2011, leading to the majority of Syrians losing their livelihoods.[4]

By the end of 2013, an estimated three in four Syrians were living in poverty, and 54 per cent were living in extreme poverty.[5]

13. While inside the Syrian Arab Republic at the end of 2015, an estimated 13.5 million people remain in need of protection and humanitarian assistance[6], the situation of internally displaced persons is particularly grave and potentially life threatening. Many fled with few possessions or financial resources. While many have fled the conflict and the indiscriminate bombardments or ground attacks, others left due to fear of violence or remain in locations that may fall under different areas of control or shifting front lines. Some have moved in search of or to reunite with family members or owing to economic and social deterioration. Poverty has left many needing to seek employment, better living conditions or more readily available food and fuel, for example in locations where humanitarian assistance is more easily accessible.

14. The Syrian conflict presents an extremely complex and challenging humanitarian crisis situation. The situation of many internally displaced persons, particularly those under areas controlled by ISIL, is largely unknown and deeply worrying. Equally, more than 400,000 persons are living in besieged areas, with little or no access for humanitarian actors. Factors hindering the humanitarian response include the complex conflict and security situation, restriction on access to humanitarian agencies, and the current shortfall in international funding for essential assistance. Government and non-State armed opposition groups have also been accused by investigators of using civilian suffering, such as blocking access to food, water and health services, as a method of war in contravention to international humanitarian law.

15. The Internal Displacement Monitoring Centre stated in October 2014 that:

> The Syrian authorities have not only failed to protect civilians from or during displacement, but their deliberate targeting of non-combatants has also been the main cause for their massive displacement. Sieges, checkpoints and international border restrictions have prevented civilians in need of protection from fleeing to safer areas, either within or outside the country. For their part, several fundamentalist Islamist groups have also forced civilians to flee and carried out human rights violations that have led to their displacement.[7]

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[4] See www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis.

[5] Syria Centre for Policy Research, *Syria Squandering Humanity – Socio-economic Monitoring Report on Syria*, (2014). Available at www.unrwa.org/sites/default/files/scpr_report_q3-q4_2013_270514final_3.pdf.

[6] Humanitarian needs overview for the Syrian Arab Republic See www.unocha.org/syria.

[7] See www internal-displacement.org/middle-east-and-north-africa/syria/2014/syria-forsaken-idps-adrift-inside-a-fragmenting-state/.

16. Displacement has been to both rural and urban areas depending on the nature and extent of localized violence and factors such as restrictions on movement for some internally displaced persons. As the conflict intensified and affected large urban centres and the duration of displacement increased, internally displaced persons also sought to move further afield to larger urban centres, seeking safety, assistance and livelihood options. Consequently, some urban areas have seen the displacement of entire populations, while others have seen large increases in their populations putting a heavy strain on essential services. Increasingly, internally displaced persons have sought refuge outside the country as safe options have diminished within the Syrian Arab Republic.

17. The Special Rapporteur visited the city of Homs. The extent of the devastation to some parts of the city made clear the trauma and psychosocial distress that must have affected those who experienced the conflict, were besieged and were forced to flee their homes, as well as the extent of the challenges facing the Government in rebuilding destroyed buildings and infrastructure for people to return to their homes in numerous locations. Return to many former residential areas will be impossible before large-scale demolition and reconstruction can take place.

III. Legal, policy and institutional frameworks for protection and assistance to internally displaced persons

18. The humanitarian crisis was categorized by the Inter-Agency Standing Committee as an L3 humanitarian emergency in January 2013 to ensure a collective prioritization by humanitarian agencies and to scale up the humanitarian response. While the guidelines of the Inter-Agency Standing Committee recognize that an L3 activation should ideally only last during the set-up phase of a humanitarian operation and for a limited time only, recognizing that the Syrian crisis continues to evolve and increase in complexity and scale, it was considered that the situation continued to warrant L3 designation. International humanitarian operations have been led from different hubs, including the country operation in the Syrian Arab Republic and cross-border assistance from Turkey and Jordan. In September 2014, based on Security Council resolution 2165 (2014), a "Whole of Syria" approach was adopted, bringing all operations under a single framework to maximize efficiency, reduce duplication and ensure greater accountability, effectiveness and reach of humanitarian programming.[8]

19. There is currently no national legal or policy framework for the protection of internally displaced persons that would help to enhance an effective and timely response to their needs. According to many of those consulted, this greatly hampers the ability for national and regional governments and other partners to respond effectively to internal displacement with coordinated and clearly defined protection and accountability mechanisms, structures, procedures and dedicated budgets. Moreover, existing laws have not been amended to address major issues arising from the conflict, such as housing, land and property issues or access to documentation.

20. National and international partners expressed their concerns regarding the lack of such national legal or policy frameworks and the consequent ad hoc and reactive nature of responses, as well as the lack of clarity regarding institutional responsibility. Such frameworks, in accordance with the 1998 Guiding Principles on Internal Displacement, would clearly define responsibilities across line ministries and other dedicated bodies,

[8] See www.humanitarianresponse.info/en/operations/whole-of-syria.

including the High Committee for Relief and the Ministry for Social Affairs, and allow for more coherent and legally based responses, with budgets in place.

21. The High Committee for Relief is a government establishment responsible for the immediate response to the needs of affected populations, including internally displaced families and returnees. The Reconstruction Committee is mandated to rehabilitate damaged infrastructure and public facilities, contribute to funding the construction of housing units for temporary residence and to compensate citizens for property damage.[9] Both bodies are chaired by the Deputy Prime Minister for Services Affairs. While they have coordination functions across relevant bodies, line ministries, including the Ministries of Health, Education, Social Affairs and Local Administration, are key government actors in the delivery of assistance in line with their sectoral responsibilities. The Syrian Arab Red Crescent is a key implementing partner for the Government and the United Nations in the delivery of humanitarian assistance.

22. Data on the displacement situation in the Syrian Arab Republic remain partial, frequently inaccurate and unverifiable. Mapping of internally displaced persons' locations, population flows and comprehensive needs assessments, including assessments of protection issues and concerns, are also urgently required to ensure that assistance can be deployed rapidly and programmes established where they are needed most. Factors preventing such assessment include the security situation and the need for government approval for such activities, as well as its concerns over assessment and monitoring activities. In view of the frequently shifting dynamics and complex nature of the conflict, flexible mechanisms are required to respond to a constantly evolving situation and new displacement flows.

23. Access to besieged cities and areas under the control of armed opposition groups has often been difficult or impossible. The vast scale of displacement has made data-gathering challenging, since displacement has taken place in all regions. Many Syrians have also been displaced multiple times since the conflict began, making them difficult to monitor and track, while registration of internally displaced persons has been sporadic. Owing to the security situation and lack of access, data-gathering was not possible in zones under the control of ISIL and al-Nusrah Front.

IV. Critical humanitarian and human rights challenges

24. In the collective shelters for internally displaced persons that the Special Rapporteur visited, they expressed their general satisfaction with the assistance and services being provided. Parents reported that their children were attending schools and most facilities had some form of primary health-care services in place. Nevertheless, many internally displaced persons remain living in cramped and basic shelters, with several family members sharing a single room and with communal bathing and cooking facilities, many months or years after their displacement. Most are entirely reliant on humanitarian assistance for food, medicine, water and sanitation and essential non-food items. The majority lack income-generating activities and have little prospect of return to their homes or improvement of their living conditions.

25. While the Special Rapporteur welcomed the Government's actions to date to respond to the needs of internally displaced persons, he highlighted that he saw only the very tip of a massive displacement iceberg. Only a small minority of internally displaced persons are in collective shelters, while the vast majority are living with host families where

[9] Government of the Syrian Arab Republic, communications to the Special Rapporteur, 31 May and 12 June 2013, respectively.

they may not receive regular assistance, if any at all. Those in the camps that he visited are in relatively safe locations and with good conditions and services. Many hundreds of thousands of other internally displaced persons are facing dire circumstances and insecurity and lack basic services. The following sections present an overview of some of the most critical humanitarian and human rights challenges.

A. Access to internally displaced persons

26. The Security Council, in its resolutions 2139 (2014), 2165 (2014), 2254 (2015) and 2258 (2015), respectively, called on all parties in the conflict to permit free access to humanitarian aid and allow direct humanitarian access across four border crossings not controlled by the Government of the Syria Arab Republic. However, United Nations and civil society representatives expressed concern regarding the lack of or restricted access to many areas of the country, besieged cities and, consequently, many persons affected by the conflict, including internally displaced persons and other civilians in desperate need of assistance.

27. Access is severely limited by the security environment and the complex and frequently changing dynamics and shifting lines of the conflict. The safety of humanitarian personnel cannot be guaranteed in some locations, including those areas under the de facto control of ISIL and some other non-State armed actors and extremist and listed terrorist groups. While government representatives highlighted security as an important consideration, the Special Rapporteur emphasized that security should not be used as a blanket means to restrict access to certain areas or conflict-affected populations or obstruct the delivery of aid to areas held by non-State armed groups.

28. Equally, bureaucratic barriers imposed by the authorities have had a significant impact on humanitarian actors' access to internally displaced persons and vulnerable communities, and their operational effectiveness. The need for government approval for almost all operations, including missions to identify protection needs and monitor evolving situations, has proven cumbersome and time-consuming. Requests were frequently subject to delays or last-minute rejection, which created an unpredictable environment for humanitarian actors and the delivery of services and protection measures. As of December 2015, there were 47 pending United Nations inter-agency convoy requests awaiting approval by the Syrian authorities.[10]

29. At the time of the Special Rapporteur's visit, humanitarian actors highlighted requirements that all missions of humanitarian personnel were accompanied by representatives of the Syrian Arab Red Crescent or the High Committee for Relief, although they stated that was not always enforced in practice. Humanitarian agencies have noted unsuccessful requests for access to some areas and the frequent suspension of approvals for humanitarian deliveries to some opposition-held areas. The Special Rapporteur nevertheless welcomes positive progress reported with regard to the Government's issuance of visas for United Nations humanitarian staff.

30. In his report on the implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014) (S/2015/561), the Secretary-General states that as many as 4.6 million people are residing in areas that are difficult for humanitarian actors to reach, with more than 422,000 residing in besieged areas. There is an urgent requirement to identify assistance and protection needs in such hard-to-reach and besieged areas where there is no

[10] Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Security Council briefing on the Syrian Arab Republic, 21 December 2015.

permanent presence of humanitarian actors, including in areas under the control of ISIL and some other non-State armed group and those areas that are besieged. At the time of the Special Rapporteur's visit, persistent insecurity rendered some governorates, including Deir-ez-Zor and Ar-Raqqa completely inaccessible. The United Nations and its partners were able to reach only 32 per cent of hard-to-reach locations from September to November 2015.

31. The World Food Programme has estimated that a planned 600,000 beneficiaries in the ISIL-controlled governorates of Deir ez-Zor and Ar-Raqqa have been out of reach of humanitarian assistance since 2014.[11] In addition, ISIL has consistently stopped the United Nations Children's Fund (UNICEF) from sending water treatment supplies to those governorates. Equally, other armed opposition groups have created barriers to the delivery of essential humanitarian assistance. When the Nasib border crossing between the Syrian Arab Republic and Jordan was closed after the Free Syrian Army took over the area, UNICEF was unable to treat 500,000 litres of water. An estimated 490,000 children were not reached by polio vaccination campaigns due to insecurity and denial of access by ISIL.

B. Documentation and registration

32. An urgent concern for many internally displaced persons is the loss of their personal documents, in particular identification documents, which has significant implications for their security and access to services, assistance and employment. Without documents, their freedom of movement and ability to reach safe locations may be severely restricted, placing them in danger or stranding them in conflict-affected areas as they are hindered in passing checkpoints. Such documents are also necessary for registration as internally displaced persons in order to receive some essential services or access to facilities.

33. While assurances were provided to the Special Rapporteur that the replacement of essential identity documents is ongoing, some 50 per cent of civil affairs departments in the Syrian Arab Republic have reportedly been destroyed and long delays were reportedly experienced by those seeking to replace documents. Problems exist with regard to all forms of civil documentation, including the registration of births, deaths and marriages, and measures are urgently required to remedy this situation; the setting up of mobile documentation services and regional and local documentation offices should be considered, as necessary, for example. There is a risk that people will become stateless in the absence of birth registration and that some undocumented children will experience challenges in their access to education.

34. Some of those consulted noted that replacing documents was highly problematic due to the security climate and that it could take months for documents to be replaced. Men, particularly those of fighting age, may face or fear arrest without valid documents. For those who have left areas controlled by non-State armed groups without documents, for example, the process of engaging with the authorities to replace or renew documents may create anxiety, particularly for men of fighting age, since reports suggest that they may be forcibly recruited, harassed or even arrested by security forces suspicious of people from opposition areas.

35. Some positive steps have been taken to address documentation issues. A legal aid programme funded by the Office of the United Nations High Commissioner for Refugees (UNHCR) includes counselling and assistance on documentation and registration issues. In 2015, close to 10,000 people benefited from that programme. Measures to raise awareness

[11] See http://documents.wfp.org/stellent/groups/Public/documents/ep/WFP273846.pdf.

of the importance of personal status documentation and existing procedures and build the capacities of local non-governmental organizations to provide internally displaced persons with technical assistance and legal advice have also been important.

C. Shelter and non-food items

36. At the time of his visit, the Special Rapporteur was informed that there were 618 government shelters hosting about 350,000 internally displaced persons. More long-term shelter and housing solutions are urgently required and priority should be given to the most vulnerable, including internally displaced persons in unsafe locations, informal camps, tents and shelter that is unsuitable for extreme high and low temperatures. Additional challenges will be faced in the winter months for those internally displaced persons who lack adequate heated shelter as temperatures fall sharply. Many were forced to flee without their possessions or any essential household items and are in urgent need of basic items like mattresses, blankets, hygiene kits and kitchen sets.

37. The situation of internally displaced persons outside of collective shelters throughout the country is cause for serious concern. Fewer than 5 per cent of internally displaced persons find shelter in official collective centres set up by the Government. The majority lives with host families or in private accommodation, makeshift camps and scattered informal settlements, damaged or unfinished buildings. It is imperative to put in place all necessary mechanisms to map, provide information to and assist those internally displaced persons living outside of camps who are the hardest to reach.

38. The vast majority of internally displaced persons have been housed with families and communities, who have absorbed the huge influx of desperate displaced persons. However, that places a heavy burden on families and must not be considered a permanent solution, but rather a temporary measure until more durable solutions are possible. Support to host families is also essential since many may face the same survival challenges as those displaced. The impact on children is particularly profound and all initiatives should be taken to provide specialist care and psychosocial support to children, in particular unaccompanied children.

39. Providing shelter solutions for internally displaced persons in the Syrian context presents numerous challenges. The shifting and rapidly changing dynamics of the conflict create sudden emergency scenarios that are difficult to respond to with shelter solutions. The ability to respond effectively to sudden emergencies with shelter options needs to be significantly enhanced. Humanitarian organizations providing emergency shelter often have to deal with onerous administrative requirements in a highly regulated environment with lengthy formal procedures.

40. The lack of financial resources of most internally displaced persons means that many may have to leave rented accommodation, while the pressure on host families may also lead some internally displaced persons to seek alternative solutions in informal camps or disused buildings. In view of the massive and evolving shelter crisis, all parties must consider formulating housing plans and activities to increase the available shelter options for use by internally displaced persons. Adequate collective facilities should be identified and made ready as soon as possible, while to the extent possible avoiding the use of functioning school buildings and other essential buildings. For most internally displaced persons, housing should be provided free of charge in the short to medium term, with a transition to controlled rent based on the availability of cash payments to internally displaced persons where necessary and appropriate, and where livelihood options are available.

41. The importance of adequately addressing housing, land and property issues that have arisen as a result of the crisis through clear policies is clear. Although laws exist in respect

to housing land and property, they have not been amended or updated to respond to the conflict and are currently not fit to address issues arising from the displacement crisis in the short, medium or long term.

D. Access to food

42. The Food and Agriculture Organization of the United Nations and the World Food Programme confirmed in late July 2015 that about 9.8 million Syrians are currently suffering from food insecurity, including 6.8 million who require urgent food aid.[12] Agricultural production and livestock populations have plummeted since the conflict began, while food prices have sharply increased with the decline of government support and the devaluation of the Syrian currency. The price of bread has risen over the past year by up to 87 per cent in public bakeries. Internally displaced persons, who have frequently exhausted their financial resources and lost their access to land or income-generating activities, are reliant on food assistance.

43. UNICEF reports that the crisis has led to a dramatic increase in malnutrition among children.[13] An assessment of the nutritional status of displaced children conducted in 2014, the first since the crisis began, rated the level of global acute malnutrition in Aleppo, Hama and Deir ez-Zor governorates as "serious" and the overall nutrition situation as "poor". Soaring food prices have forced families to reduce the number of daily meals and to eat lower quality and less nutritious foods. Nutrition services are provided through 60 UNICEF-supported centres across the country, many of which have mobile teams to reach women and children in isolated and hard-to-reach locations.[14] While the World Food Programme, UNICEF and other humanitarian partners are reaching millions with essential food and cash assistance each month, they lack the capacity, resources and access to reach all those affected.

44. In the collective centres visited by the Special Rapporteur in government-controlled areas, internally displaced persons generally reported good access to nutritional food, commonly prepared in communal kitchens. While food supplies appeared adequate, some internally displaced persons noted that the number of daily meals had been reduced in their collective facility.

45. An urgent assessment of the food needs of those in hard-to-reach areas is essential together with the full access of humanitarian partners to internally displaced persons and other populations to enable them to deliver much needed aid. However, by mid-2015, lacking new funding, the World Food Programme reported that it had had to begin to scale down food aid by one fifth, and food vouchers by as much as half for some displaced communities, and would have to further reduce its food aid and cash assistance. By September 2015, the UNICEF 2015 nutrition programme remained only 10 per cent funded.

E. Access to health care

46. National and international humanitarian partners have made vital efforts to reach those in need of medical attention with significant results. Key achievements under the 2015 Strategic Response Plan include: over 13 million people received medical care; 2.3 million

[12] See http://documents.wfp.org/stellent/groups/public/documents/communications/wfp263836.pdf.

[13] http://www.unicef.org/infobycountry/syria_83147.html

[14] An additional 15 nutrition centres will be established in Homs, Hama and Aleppo by the end of 2015, bringing the total to 75.

children were vaccinated against polio and 1.6 million for measles, mumps and rubella; 1.3 million people were reached with nutrition interventions; and over 6.2 million were provided with safe drinking water. However, in March 2015, the World Health Organization also highlighted that, across the Syrian Arab Republic, some 57 per cent of public hospitals are only partially functioning or are completely out of service.[15] Local production of medicines has been reduced by 70 per cent and many life-saving treatments are not available. The number of available health professionals has fallen to approximately 45 per cent of 2011 levels and there are severe shortages of surgeons, anaesthesiologists, laboratory professionals and female health professionals.

47. Health centres and health workers have reportedly been targeted by shelling and air strikes. Since conflict broke out in March 2011 until December 2015, 697 medical personnel have been killed following 336 attacks on at least 240 medical facilities according to the non-governmental organization Physicians for Human Rights. Since 2011, immunization rates across the country have fallen from 99 per cent to just 52 per cent due to lack of access and severe damage to health structures. The World Health Organization also noted that the combined effects of economic sanctions, currency fluctuations, the scarcity of hard currency, a disrupted supply chain and fuel shortages have also had an indirect impact on the availability of medicines and medical supplies.

48. For internally displaced persons, access to health care is particularly difficult and challenges are faced by those who are most vulnerable, including pregnant women, persons with disabilities or chronic illnesses, older persons, and children. Internally displaced persons may face particular health issues as a result of living in crowded, often unhygienic conditions, including skin diseases due to water shortages, lack of sanitation and waste management and exposure to extreme temperatures. A lack of water or availability of only polluted water are major issues and the cause of diarrhoea and other water-borne diseases prevalent under collective shelter and camp conditions. Conflict-related injuries and psychological trauma continue to be major health concerns among internally displaced populations, since many have fled conflict-affected areas.

49. Even in formal collective centres for internally displaced persons, conditions are overcrowded and conducive to the spreading of communicable diseases. Conditions in the many informal settlements are far worse and are often characterized by a lack of basic services, limited access to clean water and sanitation and little, if any, medical provision. In the hot summer months, with little clean water available, an increasing number of patients were reported to have contaminated-water-related diseases, such as typhoid and hepatitis A, and intestinal infections, such as dysentery and amoebiasis.[16] The health-care situation of internally displaced persons in hard-to-reach and besieged areas or in ISIL-controlled territories is particularly difficult to assess.

F. Access to education

50. The disruption to the education system has been massive and an estimated 2 million children are out of school. UNICEF warned in September 2015 that a further 400,000 children were at risk of dropping out of school as a direct result of conflict, violence and displacement.[17] While basic education facilities were in place in the displacement centres visited by the Special Rapporteur, such centres, often using school buildings, offer only limited education facilities. For many children displaced by conflict, access to education is

[15] See www.un.org/apps/news/story.asp?NewsID=50444#.VubbivkrJpg.
[16] See http://edition.cnn.com/2015/08/25/opinions/msf-yarmouk/.
[17] See www.un.org/apps/news/story.asp?NewsID=51880.

particularly problematic and numerous challenges and barriers exist, including lack of functioning facilities. Education is often a low priority for families fleeing conflict and violence and focused on survival.

51. Some 5,000 school buildings across the country cannot be used as they have been damaged or destroyed by the conflict, used as displacement centres or are occupied by armed forces (some are located in ISIL-controlled areas, where only a limited number of schools are open). Others are in locations that are too dangerous to access. Some reports suggest that schools have been deliberately targeted for attack. Where schools are functioning, an influx of displaced children puts pressure on their facilities and impacts on the education facilities available to those children who have not been displaced. Even for those displaced children lucky enough to have access to classrooms, the trauma and psychosocial impact of their displacement is likely to have a major impact on their education.

52. UNICEF is working with local partners to reach some 3 million children and has implemented an informal education programme to reduce the number of children out of school. The inter-agency initiative "No Lost Generation" is a self-learning programme aimed at reaching 500,000 children who missed out on years of schooling. In areas hosting high numbers of displaced children, UNICEF is also rehabilitating 600 damaged schools and creating 300 prefabricated classrooms to accommodate 300,000 additional children. In addition to giving education, schools also provide important additional functions, as places of routine and normality, play, safety and support for children traumatized by conflict.

53. Nevertheless the challenge of providing even basic education access to many internally displaced children, particularly those in hard-to-reach locations, is immense and many thousands of children are likely to remain out of education for the foreseeable future. UNICEF had reported that it would require US$ 68 million by end of 2015, of which $12 million was needed immediately, in order to continue responding to children's educational needs.

G. Security and freedom of movement

54. In many locations, the security situation is highly dangerous. The civilian casualty toll is very high and the extreme nature of the violence by all sides has been characterized by the targeting of civilian and residential areas and infrastructure. In February 2014, the Security Council in its resolution 2139 (2014) demanded all parties end the indiscriminate employment of weapons in populated areas. Nevertheless, the use of heavy weapons, including barrel bombs dropped on residential areas, has continued. Contamination due to explosive remnants of war is also a major impediment to safe movement or return in many parts of the country.

55. ISIL has waged a campaign of terror in the areas of northern and eastern parts of the Syrian Arab Republic under its control. Its fighters have carried out mass killings of the security forces, members of rival armed groups and religious minorities, as well as inflicting severe punishments, including public executions, beheadings and amputations. The activities of all armed actors are leading to mass displacement and there is little, if any, regard for civilian safety and international humanitarian or human rights law. The extent of the violence and the shifting dynamics of the conflict mean that some civilians may be displaced multiple times and some may remain in conditions of insecurity even in collective shelters.

56. The Special Rapporteur was concerned by allegations that the Government is actively preventing internally displaced persons and those from some ethnic or religious groups, notably Sunnis, from moving to government-controlled areas and turning them back

at checkpoints. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, "the protection space for Syrians trying to escape the conflict is steadily shrinking. Serious funding shortfalls endanger the lives of the most vulnerable segments of Syria's displaced population … civilians have fled to dwindling safe havens inside the Syrian Arab Republic, or over its borders" (see A/HRC/30/48, paras. 22-23).

57. According to the Secretary-General in his report on the implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014) (S/2015/561):

> Indiscriminate aerial bombings, including the use of barrel bombs, by Government forces and indiscriminate shelling by non-State armed groups and extremist and listed terrorist groups left hundreds of civilians dead and injured and thousands more displaced. The conduct of hostilities by all parties continued to be characterized by widespread disregard for the rules of international humanitarian law and the parties' obligation to protect civilians. Fighting affecting civilians was particularly severe in the governorates of Damascus, Rif Dimashq, Aleppo, Idlib, Dar'a, Hasakah and Homs.

58. A feature of the Syrian conflict has been the use of siege tactics that restrict movement of civilians out of conflict areas. It is a fundamental right of civilians to seek safety and to flee conflict zones without restriction. In February 2016, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator estimated that 486,700 people were living in 19 identified besieged locations.[18] Under siege conditions, civilians are surrounded by armed actors who may block humanitarian access over an extended period of time. Civilians, including the sick and wounded, have frequently been restricted from exiting the areas even in cases of medical emergencies, which has led to many civilian deaths.

59. The Special Rapporteur was informed of patterns of detention of internally displaced men by government forces – frequently at checkpoints – and of those identified as coming from areas controlled by non-State armed groups. Investigations identify a countrywide pattern of seizure and disappearance of adult male civilians by government forces and non-State armed groups alike. It was evident to the Special Rapporteur that the vast majority of internally displaced persons in the collective centres that he visited were women, children and older persons.

60. The Commission of Inquiry stated the following (see A/HRC/30/48, para. 44):

> The Government's ubiquitous checkpoints have vastly limited the freedom of movement of men seeking to leave opposition-held areas. Civilian men are effectively trapped in areas in which there may be heavy clashes or intense aerial bombardments. Even in calmer areas or periods, the specific threats posed to civilian men from Government checkpoints have prevented them from accessing work and therefore, from being able to provide for their families. Multiple accounts have been documented of women leaving their husbands behind in opposition-held areas to accompany their pre-adolescent sons through the checkpoints and out of the area before they reach an age where they are likely to be stopped by Government forces.

61. The Special Rapporteur was concerned by the location of at least one camp for internally displaced persons that he visited at one hour's drive from Damascus, which appeared to be close to the front line and in a heavily militarized location. His concerns were amplified when two airstrikes took place within a few kilometres of the camp as he toured

[18] See http://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-29.

the site. While those internally displaced persons he talked to stated that they were well treated and had the necessary basic services, it was evident that movement out of the camp, for example to travel to Damascus or other locations, would be difficult due to the distance and the checkpoints and potentially hazardous. The Special Rapporteur emphasizes the need for collective displacement facilities to be in safe locations, civilian in character and away from the front line or any military operations, and for internally displaced persons to be able to freely move outside camps, including to access markets and opportunities for earning a livelihood.

62. United Nations agencies have noted that there has been significant increase in protection services provided and awareness-raising by partners of the Protection and Community Services Sector, which in 2015 reached 3.5 million persons in 111 sub-districts of the country, and through 30 national partners. This is a positive increase from the 1.15 million reached in 2014. However, the protection needs are of such magnitude that efforts of humanitarian actors to support duty bearers in providing protection responses need to be further enhanced.

V. Particularly vulnerable groups

63. The Special Rapporteur was particularly concerned about the protection issues and assistance challenges associated with specific, highly vulnerable groups of internally displaced persons, including children, women and girls, older persons, persons with disabilities, those from targeted ethnic or religious groups, and Palestinian refugees. There remains a lack of information and data or comprehensive needs assessment regarding such vulnerable groups and their circumstances. Older persons and those with disabilities, for example, may face challenges in trying to flee far from the conflict areas. Their coping mechanisms are weaker than those of others, which means that they are more heavily reliant on humanitarian assistance and require dedicated support, which may only be available to them in secure collective centres.

A. Women and girls and prevention of sexual and gender-based violence

64. Women make up more than half of Syrian refugees and internally displaced persons. It was noticeable that the vast majority of internally displaced persons in camps visited by the Special Rapporteur were women and children. A number of factors explain the absence of men, including their involvement in the conflict as combatants. They may have been separated from their families or detained for "screening", or left their families voluntarily to avoid recruitment or possible detention. Some are suspected of supporting non-State armed groups. Consequently there has been a rise in female-headed households and family separation is a major concern that renders women and children vulnerable. All efforts should be taken to maintain family unity. While legitimate security concerns must be addressed, any systematic or long-term separation of men from their families without due cause or legal justification must not take place.

65. Under the prevailing conditions of conflict and mass displacement, women and children are extremely vulnerable to violations of their rights and violence, including sexual violence. Indeed, information indicates an increase in sexual and gender-based violence due to forced displacement, family separation, overcrowded conditions and the breakdown of normal societal safeguards. The phenomenon of "survival sex" was reportedly rising among internally displaced women. Credible reports indicate that women and girls trapped in conflict areas under the control of ISIL face sexual slavery, trafficking and rape. Some specific ethnic groups are particularly vulnerable, such as Yazidis and those from ethnic and religious communities targeted by ISIL.

66. The Government strengthened the importance it gave to protection matters, which was a welcome and essential development, including through the creation in December 2014 of the Child and Women's Unit in the Ministry of Social Affairs to strengthen protection and develop local capacity for the protection of women and children.[19] However, responses to sexual and gender-based violence are mostly provided by the international community and are strongest in Damascus with a relative lack of capacity in other regions.

B. Child protection

67. The extent of the conflict and displacement has inevitably had a massive impact on children. Many children have experienced violence first-hand and/or witnessed extreme violence, including the killing of family members and/or separation from family members. Child protection concerns and issues, including child labour resulting from parent's loss of livelihood, trafficking, sexual and gender-based violence and early and forced marriage, continue to be reported. Children have also been recruited and used by different parties to the conflict, both in combat and support roles. Reports indicate that displaced boys considered to be of fighting age continue to be detained and treated as adults at checkpoints.

68. Thousands of children have been killed or maimed in the conflict, including internally displaced children fleeing their homes. The harrowing experiences of children, including their displacement from their homes, often multiple times, may leave them traumatized and in need of psychosocial care. However, such care is limited at best or may be absent in many locations where health-care provision is basic at best. In some cases, children find themselves as heads of households and need additional support.

C. Minorities and refugee populations

69. While all of the different population groups of the Syrian Arab Republic are affected by the conflict, increasingly sectarian elements to the conflict may result in the targeting of certain population groups on the basis of their ethnicity or religious identity and patterns of displacement along ethnic and religious lines. The Commission of Inquiry noted that "competition among regional powers for influence has resulted, among other consequences, in an alarming exacerbation of the sectarian dimension, instigated by the intervention of foreign fighters and extremist clerics" (see A/HRC/30/48, para. 9). This development has implications for the nature and extent of displacement, its impact on specific groups and the need for immediate and longer-term solutions that take into account such group dynamics.

70. The appalling attacks on and persecution of Yazidis by ISIL since August 2014 is the most high-profile example of sectarian violence, however other instances have been perpetrated by ISIL, government forces and other non-State armed groups and extremist and listed terrorist groups. The Internal Displacement Monitoring Centre highlighted that "in opposition areas, the rise of hundreds of extremist groups left very little space for minorities such as Christians, Shiites, Druze and Yazidis who have been targeted simply on the basis of their identity. Sunni civilians who did not submit to the socio-political vision of these groups were similarly not spared".[20]

[19] The Unit was subsequently dismantled in December 2015 and its responsibilities transferred to the Syrian Commission for Family Affairs in early 2016, under the Ministry of Social Affairs

[20] See www.internal-displacement.org/middle-east-and-north-africa/syria/2014/syria-forsaken-idps-adrift-inside-a-fragmenting-state.

71. The Government of the Syrian Arab Republic hosts some 560,000 registered Palestinian refugees and has been providing support to these communities for decades. However, these communities are now highly vulnerable and some 64 per cent have been displaced: to date 280,000 have been displaced within the Syrian Arab Republic and a further 80,000 abroad. Some Palestinians reportedly remain trapped between warring parties inside Yarmouk, a refugee camp on the edge of Damascus, in which fighting flared in April 2015. The Government is urged to continue to fully support and provide necessary security to those affected communities and displaced Palestinian refugees.

72. In addition to refugees registered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the plight of 21,252 refugees registered by UNHCR (as of 13 February 2016), originating mostly from Iraq, Afghanistan, Iran, Somalia and South Sudan, as well as Palestinians who fled Iraq and cannot be registered with by the Agency, should be monitored, as their protection situation has also been negatively affected by the conflict.

VI. Progress towards establishing durable solutions

73. In the context of the brutal conflict, the targeting of civilians and the widespread destruction of housing and infrastructure, prospects for durable solutions in the form of secure, voluntary return of internally displaced persons, their local integration or resettlement elsewhere in the country are seriously limited. Some returns are taking place, including in areas re-taken by government forces or where conflict has abated or ended. This was evident, for example, in some areas of Homs and in a few localities around Damascus. However, many areas of cities and towns, including in Homs, Aleppo, Idlib and Kobane, have suffered such complete devastation that demolition and reconstruction of homes and other buildings and infrastructure will be necessary before any safe return will be possible.

74. It is imperative that any returns are informed, voluntary, dignified, secure and assisted and that they are based upon the most accurate information provided to internally displaced persons. Some locations remain dangerous due to the proximity of the conflict or combatants, a lack of functioning infrastructure and services, unexploded ordnance and a level of destruction that may render buildings unsafe. The Special Rapporteur witnessed some small-scale initiatives to build resilience, early recovery and livelihoods for internally displaced persons and host communities. This is vitally important to individuals, families and displaced communities, particularly those whose displacement has already been protracted, allowing them to earn an income, restoring their dignity and helping a wider process of integration into new locations.

75. The Special Rapporteur was informed by the United Nations Development Programme (UNDP) of initiatives in the area of early recovery and to build resilience in response to the needs of internally displaced persons. While currently on a limited scale and with few resources, UNDP early recovery, resilience and livelihood interventions have nevertheless targeted 14 highly affected governorates and incorporated over 100 projects, many implemented in collaboration with local partner organizations. Some 60 per cent of the projects are servicing internally displaced persons while the remaining 40 per cent target host communities. From 2014 to 2015, UNDP succeeded in reaching a total of 4.5 million affected persons, who were directly or indirectly impacted by the projects.

76. The UNDP projects are in such areas as emergency employment, restoration and stabilization of disrupted livelihoods, emergency support to vulnerable groups, capacity development for early recovery and resilience and coordination, advocacy and technical assistance. Practical projects include small business revival and restoration, including in the areas of food production and processing, small-scale manufacturing (for example of shoes

and concrete blocks), solid debris/waste removal and sewing workshops, re-establishing markets and stimulating local economies by encouraging local production and procurement. Vocational training that includes entrepreneurship promotion activities has been provided, with a special focus on vulnerable groups, including female-headed households, persons with disabilities and young people.[21]

77. In the light of the high numbers of people leaving the country, such initiatives provide much needed hope for the future and a reason for people to remain in the country and begin rebuilding their lives, where security permits. The current projects fill an important transitional need that exists between humanitarian assistance and development projects and should be maintained and expanded wherever possible.

VII. The role of the international community

78. The primary responsibility for ensuring protection of the human rights of internally displaced persons rests with the Government, yet it undeniably faces an immense task that it cannot cope with alone. It is clear that an urgent and coordinated response from the Government and national and international humanitarian organizations working in stronger partnership with each other is required.

79. Funding for humanitarian response inside the Syrian Arab Republic has not kept pace with the increasing needs. The Special Rapporteur was concerned to learn from United Nations agencies that funding for essential humanitarian assistance amounted to only one third of the requirements needed for the 2015 Strategic Response Plan and the Regional Refugee and Resilience Plan to be implemented in full. The combined plans call for $7.42 billion, of which only $2.38 billion had been received by September 2015.

80. The international community must urgently bolster support to humanitarian and development agencies working tirelessly to alleviate the suffering of the millions of internally displaced persons and other people affected by the displacement crisis. Equally, the Government must allow United Nations and other humanitarian actors, including international non-governmental organizations, to function freely and with unhindered access to all locations and internally displaced populations. Bureaucratic and other restrictions on full and rapid access to internally displaced persons and at-risk communities are a major impediment to their work and effectiveness and should be lifted.

VIII. Conclusions and recommendations

General comments

81. The crisis in the Syrian Arab Republic is one of vast proportions and has resulted in millions of ordinary civilians being displaced from their homes, often multiple times, and left in conditions of insecurity, poverty and uncertainty. They have frequently lost their homes, family members, possessions, income sources and essential family and social networks and support mechanisms. As the conflict enters its sixth year, the crisis has evolved beyond the borders of the Syrian Arab Republic into an exodus of traumatized, impoverished and war-weary civilians with far-reaching regional and even global implications. Millions of Syrians have fled the country to date and many others may follow their lead. Internally displaced persons who see no

[21] UNDP, *365 Days of Resilience in Syria* (2014). See www.sy.undp.org/content/syria/en/home/library/poverty/365-days-of-resilience-in-syria.html.

solutions ahead for them within the country inevitably look elsewhere for sanctuary and will increasingly do so until peace returns to the country and new, viable options of security and protection, housing and livelihood, and a secure future of durable solutions are provided to them. Internal displacement has become a staging-post to a wider refugee crisis of immense proportions.

82. While Syrian refugees in the region and Europe have been the subject of significant international attention and political debate, it must not be forgotten that those who remain displaced or besieged inside the Syrian Arab Republic are at the greatest risk of violence and human rights violations. It is imperative that they receive the political attention and humanitarian assistance and protection that they urgently require. Containing and ultimately beginning the long road to resolving the displacement crisis will only be possible if all stakeholders – the Government, non-State armed groups and the international community – resolve to put the lives and human rights of the millions of innocent civilian victims first. This requires a cessation of the conflict that is having such a devastating impact on the Syrian people and the re-establishment of security and the rule of law by all parties in the territories, which they control. With no end in sight to the conflict, millions more could be internally displaced and the Syrian Arab Republic and the international community must do all they can to resolve the crisis.

83. Future displacement patterns and flows can and must be predicted and must be prepared for. All possible preparedness measures must be taken in the light of the high possibility that hundreds of thousands of people will be newly displaced or face renewed displacement in the coming months. This requires access to safety, identification of safe locations and shelter options, increasing of protection responses and services, and stockpiling and pre-deployment of foodstuffs, medical supplies and non-food items, among other key elements. Above all, it requires the resources and funds in place to allow humanitarian actors to undertake their vital work. The Special Rapporteur makes the following recommendations.

To the Government of the Syrian Arab Republic

84. The Government should urgently put in place a legal and policy framework for the protection of internally displaced persons in accordance with the Guiding Principles on Internal Displacement. This would improve coordination and the effectiveness and timeliness of responses to the needs of internally displaced persons with clearly defined human rights protection and accountability mechanisms, structures, procedures and dedicated budgets in place.

85. Institutional responsibility for internal displacement and internally displaced persons should be clearly defined and at the highest level of Government to ensure appropriate responses across government line ministries and all other relevant bodies.

86. The Government should give a high priority to ensuring that internally displaced persons are documented on a voluntary basis to the fullest extent possible. Where they have lost essential identity documents required for their freedom of movement and access to services, for example, all necessary measures should be taken to rapidly replace them, including issuing temporary documents, to avoid putting them at risk. Measures should be taken to ensure that births are registered in order to avoid statelessness.

87. In view of the massive and evolving shelter crisis, the Government should formulate housing plans and activities to increase the available shelter options for internally displaced persons with a priority given to the most vulnerable, including

those in unsafe locations, informal camps, disused buildings, tents and other shelters lacking basic services.

88. For impoverished internally displaced persons, housing should be provided free of charge in the short to medium term and until cash payments to internally displaced persons or livelihood projects to provide income are in place.

89. Collective displacement facilities must be in safe locations, civilian in character and away from the front line or any military operations. Internally displaced persons should be able to freely move outside collective centres, including to access markets and livelihood opportunities.

90. Longer-term solutions to housing, land and property issues, including compensation and restitution of land and property, must be envisaged and measures put in place through legal processes established in accordance with international standards.

91. The vast majority of internally displaced persons are sheltering with host families. This places a heavy burden on those families and must not be considered a temporary measure until more appropriate housing solutions are possible. Assistance must also be provided to host families who are sharing their resources and suffering food and other shortages.

92. Many thousands of internally displaced persons are living in territories controlled by non-State armed groups and ISIL and in besieged areas with little or no access to humanitarian assistance. Recognizing security issues, it is nevertheless imperative to ensure that assistance is provided to the fullest extent possible to internally displaced persons in areas not held by the Government.

93. An extensive and comprehensive mapping of internally displaced persons locations, population flows and needs assessments are required to ensure that assistance can be deployed rapidly and programmes established where they are needed most on the ground. In particular, the situation is critical for those in remote and inaccessible areas who lack regular access to food, health care and other basic services.

94. Freedom of movement of internally displaced persons and their ability to access safe locations must be guaranteed in practice. Internally displaced persons wishing to move to government- or non-government-controlled areas, including those who may have lost identity documents, must be assisted to do so without discrimination on the basis of their ethnic or religious identity or their place of origin. The use of siege tactics that deliberately restrict the ability of civilians to leave conflict areas is a grave violation of international humanitarian and human rights law.

95. Male internally displaced persons must not be subjected to arbitrary arrest, detention or other violations of their human rights, including when seeking to cross checkpoints. Family separation is a major concern and leaves women and children vulnerable. All efforts should be taken to maintain family unity and, while legitimate security concerns may be addressed, any systematic or long-term separation of men from their families without due cause or legal process must be prohibited.

96. In many locations of internally displaced persons, the shortage of water, food and medical care is urgent and is creating a risk to life particularly for those in conflict, hard-to-reach and besieged areas. No restrictions should be imposed by any party on the delivery or distribution of essential humanitarian assistance, including medical supplies, to all populations in need, wherever they are.

97. The Government must take all necessary steps to protect women, including vulnerable displaced women, from all forms of violation of their human rights.

Services to address the needs of displaced women who have experienced sexual or gender-based violence should be strengthened and extended and include psychosocial care.

98. Children have been severely affected by the crisis and have special needs and protection concerns. Special measures should therefore be taken to ensure the full realization of internally displaced children's rights to survival, education, health and protection from violence, exploitation and abuse. The availability of psychosocial care for children displaced by conflict should be extended.

99. Education must be considered as a high priority for internally displaced children and all necessary steps taken to provide functioning education facilities at all levels and in safe locations.

100. The Government must allow United Nations and other humanitarian and development actors to function freely and with unhindered access to all locations and internally displaced populations. Bureaucratic and other restrictions on full and rapid access to internally displaced persons and at-risk communities are a major impediment to their work and effectiveness and should be lifted. There should be no undue restrictions on access to conflict-affected populations or obstruction to the delivery of aid to areas held by non-State groups.

101. In view of the frequently shifting dynamics and complex nature of the conflict, the Government and humanitarian partners must predict and prepare for further mass displacement. Flexible mechanisms are required and preparations should be put in place at the earliest opportunity to respond to new displacement flows.

102. Non-State armed groups and extremist and listed terrorist groups must take responsibility for the protection of civilian populations, including internally displaced persons, who fall under their authority and take all measures to ensure their security and access to humanitarian assistance. The Government and non-State armed groups must allow and facilitate rapid, safe and unimpeded access of humanitarian workers and ensure the freedom of movement of the civilian population.

103. During the conflict, some 85 humanitarian workers have been killed to date, while others have been detained or are missing. They must be protected and their work and operational capacity to assist internally displaced persons and other affected communities must be supported and enhanced.

Progress towards durable solutions

104. While the prevailing conditions of conflict, insecurity and destruction make progress towards durable solutions highly problematic, some essential steps must be taken to improve the circumstances of internally displaced populations. In cooperation with international development partners the Government should explore durable solutions for internally displaced persons, or transitional steps towards such solutions, that envisage their voluntary return where possible, local integration or resettlement elsewhere in the country with viable housing and livelihood programmes.

105. Durable solutions create a reason for internally displaced persons to remain in the Syrian Arab Republic (where security permits) and begin to rebuild their lives rather than seeking asylum elsewhere. Investment in livelihood opportunities is also essential. The resilience and recovery initiatives undertaken by United Nations agencies and national partners have proved effective and provide hope, dignity and much needed income. They should be provided with additional resources and expanded throughout to the fullest extent possible.

The international community

106. **The shortfall in international funding is a critical issue and the international community must continue and enhance its financial and material support for the humanitarian assistance operations inside the Syrian Arab Republic. The United Nations and other humanitarian and development partners urgently need resources to carry out their essential work. Adequate resources and institutions must be in place over the long term. Short-term crisis funding does not allow for adequate, durable responses to the situation of internally displaced persons and consideration should be given to extending funding cycles.**

107. **The international community must take all appropriate measures to achieve an end to the conflict in the Syrian Arab Republic and continue and intensify its efforts to end the indiscriminate violence and achieve a lasting peace.**

108. **The international community must continue to monitor compliance with international humanitarian and human rights law by all parties to the conflict in the Syrian Arab Republic.**

Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Philippines*

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* Circulated in the language of submission only.

I. Introduction

1. In accordance with his mandate under Human Rights Council resolution 23/8 and at the invitation of the Government of the Philippines, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to the Philippines from 21 to 31 July 2015.

2. The Special Rapporteur thanks the Government for its cooperation with his mandate. He consulted numerous national and local government officials and thanks them for their time and information. He looks forward to maintaining a constructive engagement with the Government ahead.

3. He met many internally displaced persons and others, including indigenous peoples, at risk of displacement in different regions. He thanks the Office of the Resident Coordinator, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF) and the Office for Coordination of Humanitarian Affairs (OCHA), among other United Nations agencies, for facilitating his visit and meetings. He is grateful to the Commission on Human Rights of the Philippines and many civil society organizations that provided information and assistance. The present report reflects on numerous causes and situations of internal displacement and provides an independent and impartial assessment.

II. Context of displacement in the Philippines

4. While Typhoon Haiyan – known as Yolanda in the Philippines – has been the most devastating disaster and displacement crisis in recent years, the Philippines has acquired significant experience in dealing with internal displacement caused by disasters, conflict, resource development and other factors. While typhoons and geological events are frequent, the Philippines is on the front line of more extreme weather events associated with climate change.[1] In Mindanao, displacement is often the result of ongoing conflict and complex and combined causal factors, including disaster, land and resource development and political and economic objectives.

5. According to the Internal Displacement Monitoring Centre,[2] figures on internally displaced persons fluctuate constantly due to the high frequency of disasters and the high number of conflicts or other sources of violence. The Centre estimates that at least 3 million people were displaced in the Philippines during 2014, 96 per cent of them by natural hazard-related disasters, the remainder by conflict and generalized violence. As of February 2015, nearly half a million people were living in displacement, of which, around 80 per cent had been displaced by disasters, while an estimated 95,000 had fled conflict and violence in Mindanao.

6. In disaster-affected areas and conflict contexts, internally displaced persons frequently return relatively quickly to their places of origin, often to damaged or destroyed homes and without livelihoods. It is important to recognize that return to a place of origin does not in itself constitute a durable solution and therefore figures on internally displaced

[1] An average of 20 typhoons threaten the Philippines each year with evidence suggesting that they have become stronger and more devastating in recent years.

[2] See www.internal-displacement.org/south-and-south-east-asia/philippines/2015/philippines-long-term-recovery-challenges-remain-in-the-wake-of-massive-displacement/.

persons should also take into account those who have returned who may still have protection and assistance needs associated with their displacement.

7. Frequent and multiple displacements due to conflict and disaster make it extremely difficult to track displacement numbers and patterns.[3] As some become newly displaced, others return, integrate locally or settle elsewhere. Figures usually provide only a snapshot of situations which may change significantly over short periods. Consequently, it is difficult to identify and track those who may be in situations of protracted displacement.

8. The main source for natural hazard-related displacement data is the Government's National Disaster Risk Reduction and Management Council (NDRRMC). Little information is readily available on internally displaced persons outside of camps who stay with host families or in private rental accommodation. A high percentage of such persons fall within this category and greater research and data collection are required into their situations and needs as well as those of host families who may also face challenges and require assistance.

III. Legal, institutional and policy framework

9. The draft bill No. 4744 on Protecting the rights of internally displaced persons has been debated for over a decade. Previously adopted in 2013, a version of the bill was vetoed by the President on the grounds that some elements were unconstitutional or required further clarification. Those consulted unanimously agreed that it was urgent to pass the bill into law. Further revisions were made to the draft bill after the Special Rapporteur's visit and he called for the immediate enactment of the bill. Nonetheless, the bill was not adopted in the final Congressional session of the Aquino administration.

10. If passed, the bill would constitute a landmark national law based on international standards, including the Guiding Principles on Internal Displacement. It would provide a valuable domestic legal statement of the rights of internally displaced persons and the primary responsibility of the Government to protect and assist them. It would help to remove existing administrative gaps, obstacles and uncertainties and establish criminal responsibility for forced or arbitrary displacement by State and non-State actors.

11. Given its history of disasters and conflict, the Philippines has in place a system of national laws and regulations as well as institutional response structures to address some issues relevant to internal displacement. In 2010, the Disaster Risk Reduction and Management Act sought "to strengthen the capacity of the national Government and the local government unit, together with partner stakeholders, to build the disaster resilience for communities and to institutionalize arrangements and measures for reducing disaster risks".[4] Under the Act, 5 per cent of revenues from regular sources are set aside for disaster response, thus guaranteeing budgets are in place.

12. The Act also established the National Disaster Risk Reduction and Management Council (NDRRMC), which is chaired by the Department of National Defence and comprised of numerous other departments and agencies, including the Department of Social Welfare and Development (in charge of disaster response) and the Department of the Interior and Local Government (in charge of disaster preparedness). At the subnational

[3] Figures on conflict-related displacement are mainly based on data collected by the Mindanao Protection Cluster, which is led by the Office of the United Nations High Commissioner for Refugees (UNHCR). Data is provided by Protection Cluster members and only reflects reported displacement events.

[4] See Philippines, Disaster Risk Reduction and Management Act No. 10121 of 2010, sec. 2 (e), available at www.ndrrmc.gov.ph/attachments/article/45/Republic_Act_10121.pdf.

level, a network of regional, provincial, municipal and local Councils put in place necessary local structures given the key role of local government units as "first disaster responders".

13. In the post-Haiyan period, the Office of the Presidential Assistant for Rehabilitation and Recovery was created to unify the efforts of government bodies and other agencies and partners involved in rehabilitation and recovery. Reporting directly to the President, the Presidential Assistant had the rank and authority to oversee and instruct the implementing agencies. The Office coordinated with the NDRRMC as well as consulted local government units, non-government institutions and international humanitarian and development partners.

14. The Department for Social Welfare and Development oversees the nation's disaster response efforts. The National Economic and Development Authority has overall responsibility for recovery functions and the National Housing Authority is responsible for the construction of permanent housing. Mirroring the international humanitarian clusters, a national sectoral approach was established for infrastructure, livelihood, resettlement, social services and support to maximize coordination among government agencies. Some local government units replicated the approach to foster stronger coordination with the national Government.[5]

IV. Responses to Typhoon Haiyan (Yolanda)

15. Typhoon Haiyan made landfall on 8 November 2013, devastating large swathes of the central Philippines. The strongest storm ever recorded at landfall, it resulted in at least 6,300 deaths and led to the damage or destruction of an estimated 1.1 million homes and the internal displacement of over 4 million people.[6] The regions of Leyte and Samar in the Eastern Visayas region were the worst affected areas. Much of Tacloban City and many surrounding towns and villages were destroyed.

16. The Government quickly recognized that the enormous challenges required international assistance and dozens of countries responded rapidly. The extent of the destruction was such that the international humanitarian system declared it a Level 3 emergency,[7] the first time this mechanism had been engaged in the context of a natural disaster. This was a massive test for the international response and, to a great extent, that response proved effective. While problems inevitably occurred and lessons must be learned, these were due in part to the challenges of coordinating national and international actors in a complex emergency situation in which many local actors were overwhelmed.

17. The Government and its partners have to date made significant progress in numerous areas, including providing transitional and permanent homes and restoring infrastructure. In many respects, the Government responded rapidly and effectively to mobilize the necessary resources and personnel and establish necessary response mechanisms, institutions and systems that functioned down to the *barangays*, the lowest administrative level.

18. The Special Rapporteur was nevertheless informed of financial and other constraints that have impacted on the resolution of immediate issues, including provision of basic services and progress with permanent housing and livelihood projects. Some challenges relate to poor coordination and collaboration between national Government and local government units which have significant autonomy and responsibilities, including for

[5] See www.gfdrr.org/sites/gfdrr/files/New%20Folder/Philippines%20August%202014.pdf.

[6] Ibid.

[7] The Inter-Agency Standing Committee considers that Level 3 emergencies require an enhanced level of mobilization of resources, funding, logistics and coordination above that normally deployed and the ability to draw on additional global resources.

disaster response. Differing priorities, political agendas and rivalries between national and local government officials seem to have hampered coordination in some cases, notably in Tacloban.

19. In the report, *Resolving Post-Disaster Displacement: Insights from the Philippines after Typhoon Haiyan (Yolanda)*,[8] the authors surveyed 4,500 disaster-affected households. They found that one and a half years after the disaster, only 17.6 per cent of the affected population feel that life had returned to "normal". Only 32 per cent were able to cover their basic needs, compared to 83 per cent before Typhoon Haiyan. Over 60 per cent of families face difficulties accessing services.

A. Shelter, housing and provision of basic services

20. With over 1 million homes damaged or destroyed, housing remains the biggest challenge for the Government. Displaced persons living in transitional and permanent housing sites who the Special Rapporteur and government officials visited expressed general satisfaction with the housing and services provided, including the health care, education and support for the development of livelihood activities. Policies, such as the "Build Back Better" policy to ensure that housing and infrastructure are more resilient to extreme weather events, are designed to mitigate the effects of future extreme weather or geological events.

21. The Special Rapporteur was impressed by local government efforts to provide high-quality transitional and permanent housing that recognizes the need for internally displaced persons to re-establish livelihoods or find new livelihood options. He visited Tanauan, a coastal town, 18 km from the regional capital Tacloban, at the heart of the devastation. Local people were trained in construction in order to combine housing and livelihood projects; agriculture has been re-established; and debris was cleared under cash-for-work schemes. While construction is slower than hoped for, the objective is to quickly move internally displaced persons out of temporary bunkhouses. The Mayor highlighted opportunities to reinvigorate the local economy in a locality where 42 per cent of households lived below the poverty line prior to Typhoon Haiyan.

22. In November 2015, it was reported[9] that the National Housing Authority had completed 7,025 permanent houses in Tacloban City, while construction of 6,719 houses will be completed by December 2016. The Housing Authority confirmed the release of Pts 26.99 billion for permanent housing construction in all affected areas. However, alternative reports claimed that less than 10 per cent of the target number of permanent houses have been completed and deemed "liveable", and that progress towards achieving targets was poor.[10] According to the National Economic and Development Authority, across the entire affected region, 11,247 houses have been constructed and 73,442 were under construction around the time of the Special Rapporteur's visit.[11]

23. Major challenges to housing construction and redevelopment include lack of funds, difficulties in acquiring land and delays in obtaining permits and clearance to start projects. The Special Rapporteur was also informed of political differences that hampered progress, and persistent allegations of corruption or mismanagement of funds that required

[8] See www.brookings.edu/research/reports/2015/06/15-philippines-typhoon-haiyan-displacement-solutions.

[9] See www.sunstar.com.ph/tacloban/local-news/2015/11/06/7025-permanent-houses-built-yolanda-survivors-439983.

[10] See www.rappler.com/nation/111724-tacloban-post-yolanda-housing.

[11] See www.neda.gov.ph/2015/09/21/neda-notes-encouraging-progress-yolanda-recovery/.

investigation. Allegations suggested that funds, including millions in international aid, remained unaccounted for, were unallocated — despite the pressing needs for reconstruction and rehabilitation programmes —, or have been diverted to other Haiyan and non-Haiyan-related projects.

24. More than two years on, many families remain in collective bunkhouses. While conditions vary across transitional housing sites, residents and non-governmental organizations (NGOs) complained that some did not meet minimum standards of construction or provision of basic services and had numerous safety and protection issues. The Special Rapporteur was informed that up to 1,000 families remained in bunkhouses in Tacloban. Community leaders highlighted a lack of running water or electricity, overflowing toilets and lack of regular garbage collection, adding to generally unsanitary conditions. The risk of communicable and water-borne disease was consequently high.

25. Concerns were voiced over the lack of adequate health-care facilities, trained medical staff in attendance and adequate medical supplies. Community leaders noted that medical staff visited only once a month and that a health-care centre in one location had no doctors or nurses to staff it. They stated that there was a lack of specialist support for the elderly, persons with disabilities or other vulnerable people, for whom bunkhouses could pose particular challenges, including relating to access and care.

26. Residents noted their perception of neglect by the authorities. One community leader stated, "No-one is hearing our problems". A common concern was the need for consultation and information to ensure that the needs of internally displaced persons were heard and taken into account, including information about the status of permanent or transitional housing and the criteria to be met to qualify for such housing. Some feared that they would not qualify for permanent housing since they had to produce certificates to demonstrate their previous ownership of property or tenancy, which many did not have.

27. Some families seemed to have entirely fallen through the assistance net and remained in substandard shelter in areas designated as "no-build" or "hazardous" due to possible future weather events. According to the Mayor of Tacloban City, that amounted to some 3,000 families who were removed from the lists of recipients of emergency shelter assistance and who could no longer obtain relief assistance. While infrastructure and public projects, including flood defences, were legitimate, the highest priority had to be given to securing durable housing for all, basic services and re-establishing livelihoods, including for those residents who were informal settlers or who did not have tenure security at the time of their displacement.

28. Community and NGO representatives expressed concern over the impact of the Tide Embankment Project, a national government-funded project to build a coastal defence wall against storm surges, that would potentially affect 36 coastal communities. The area affected was designated as a "no-build zone", extending 40 metres from the coast. Fisher peoples and those from coastal areas fear the threat of forced eviction from or their inability to return to coastal areas. This will impact on their livelihoods options and food security, unless appropriate responses are undertaken to meet those basic needs.

B. Livelihood and employment

29. According to the International Labour Organization, an estimated 5.9 million people, or 42 per cent of those affected, lost their primary source of income.[12] Many (60.7 per cent

[12] International Labour Organization, "Rebuilding livelihoods after super typhoon Haiyan", 5 February 2014, available from www.ilo.org/manila/info/public/pr/WCMS_235029/lang--en/index.htm.

of households) lost productive assets essential to their livelihoods, which created a major barrier to economic recovery. Even prior to Haiyan, over 2.6 million of the affected population lived on or close to the poverty line. Some families lost breadwinners, leaving women and children highly vulnerable and dependent.

30. The Special Rapporteur visited some transitional shelter sites, including Tagpuro (Barangay 108, Tacloban City), where temporary shelters were well constructed and maintained and permanent shelters were under construction. Livelihood projects had also been successfully put in place to support fishing and other coastal livelihoods. The Tagpura Fish Landing, supported by the Department of Social Welfare and Development and the International Organization for Migration, provides access to fishing while a seaweed farming rehabilitation project assist fisherfolk to re-establish their traditional livelihoods.

31. However, the Special Rapporteur also consulted other fisherfolk living in bunkhouses in Tacloban, who stated that they had not received similar support to re-establish their livelihoods. They wanted to be resettled in their original locations with access to the sea and emphasized that solutions should not be "one-size-fits-all", but durable and sensitive to the different cultures, identities and livelihoods of the different communities. They felt that this was not being given due attention for all and that many had not received support.

32. Residents of bunkhouses stated that most lacked regular income and access to jobs or livelihood opportunities and there was a lack of livelihood projects. Young internally displaced persons complained that there were no livelihood options for them and no adequate school facilities at transitional housing sites. Displaced children have consequently dropped out due to lack of schools and the need to seek income-generating activities. They called for education services, including for those who have missed school, and scholarship programmes.

33. Women expressed the need for practical livelihood opportunities for women heads of households who have children and are unable to travel to work, as well as those who have become community leaders with subsequent responsibilities, but no support or income. The establishment of livelihoods and incomes is vital for societies to return to normal functioning. Those in new permanent housing stated that, while they were temporarily exempt from rental payment, they would eventually have to pay rent, which required regular incomes.

C. Protection concerns

34. A common concern expressed was the lack of security in bunkhouses that were overcrowded, lacked privacy and prone to gambling, alcohol and drug abuse, and violence. Camp managers consistently expressed the need for a more visible police presence as a deterrent to crime and for security. They reported that people unknown to the communities could enter households unchallenged. The concerns were particularly acute for women and girls, who face threats of sexual abuse.

35. Women discussed additional challenges, including lack of security, sexual violence, early marriage due to poverty and the related issue of early pregnancy, which is reportedly high. In poverty conditions, in which men lack livelihood activities, women are vulnerable to domestic violence. Women also noted that they often did not have certificates of ownership to ensure the security of tenure for women-headed households or new permanent housing.

36. Children in bunkhouses or other transitional sites often have to travel considerable distances to school, which creates protection concerns, particularly for girls. The risks of abuse and violence, including sexual violence, are heightened in collective shelter

conditions. Bunkhouse accommodation results in people living in close proximity to strangers and away from livelihood possibilities, which gives rise to anxiety over having to leave their children in order to seek employment.

37. Poor construction standards and cramped, overcrowded conditions create the risk of structural collapse or fire, which could quickly engulf wooden structures. The community leader of one bunkhouse expressed concern over the location of a bunkhouse, noting that it was "not fit for human habitation" and stating that water had repeatedly inundated the structure and potentially undermined its foundations raising concern over the safety of the building.

38. The Department for Social Welfare and Development declared that the emergency phase was over in mid-2014. At that time, the protection cluster was closed down and institutional attention to protection concerns was subsequently reduced, which caused concern to humanitarian organizations as it suggested that the Department was under the misconception that the end of the emergency phase also marked the end of protection concerns. The Special Rapporteur emphasized that internally displaced persons may have protection concerns throughout all response and recovery phases and they must be given appropriate consideration at all times.

V. Conflict-induced internal displacement in Mindanao

39. In Mindanao, decades of two long-standing internal armed conflicts — one between Government forces and the Moro people (the collective name for minority Muslim groups), non-State armed groups, and the other between the Government and the communist insurgency, the New People's Army —, have killed tens of thousands of people, including civilians. The Internal Displacement Monitoring Centre considers that the conflicts have displaced some 3.5 million people multiple times since 2000. In 2013 alone, more than 325,000 people were displaced by conflict, generalized and clan-related violence.[13] UNICEF estimates that 30,000 to 50,000 children are displaced annually due to armed conflict, with some recruited as child soldiers by armed groups.[14]

40. Non-State armed groups in Central Mindanao and the Autonomous Region in Muslim Mindanao are comprised of different factions. The Moro Islamic Liberation Front and the Abu Sayyaf Group are breakaway factions of the Moro National Liberation Front, which fought an armed struggle against Government forces between 1969 and 1996. The Moro Islamic Liberation Front had rejected a peace deal with the Moro National Liberation Front, which created the Autonomous Region in Muslim Mindanao with its own government administering a region of about 4 million people. Subsequently, the Bangsamoro Islamic Freedom Fighters broke with the Moro Islamic Liberation Front and rejected the peace process between the Government and the Moro Islamic Liberation Front in 2012. They then rejected the Comprehensive Agreement on the Bangsamoro, signed by the Government and the Moro Islamic Liberation Front in March 2014, which allowed for greater autonomy for the region.

41. The Comprehensive Agreement on the Bangsamoro was intended to end the armed conflict and grant greater political autonomy to the Muslim areas of Mindanao. A Bangsamoro Basic Law[15] would include provisions for the legal foundation of a

[13] See www.internal-displacement.org/blog/2014/can-mindanaos-new-peace-agreement-help-end-displacement/.

[14] See www.unicef.org/philippines/protection.html#.VrDK9blrJpg.

[15] The Bangsamoro Basic Law was amended in the Senate to read as the Basic Law for the Bangsamoro

Bangsamoro autonomous region. The region would have a higher degree of political self-determination and control over resources than exists under the Autonomous Region in Muslim Mindanao, while defence and foreign policy would remain under the central Government. The agreement requires Moro Islamic Liberation Front combatants to stand down and arms to be decommissioned. The Bangsamoro Basic Law was still being debated in the House of Representatives as of December 2015.

42. A separate insurgency by the military wing of the Communist Party of the Philippines, the New People's Army, continues unabated since 1969. Unlike with the Bangsamoro, there has been no successful peace accord reached between the Government and the New People's Army and the fighting continues. The Armed Forces of the Philippines have put the number of combatants in the New People's Army at between 3,000 and 4,000, much reduced from its peak in the 1980s, which was estimated at more than 20,000.[16] The group remains active primarily in rural areas and communities of the Visayas and northern and eastern Mindanao.

43. Continuing armed conflicts resulted in ongoing and grave human rights violations and internal displacement in 2015, particularly in central and eastern Mindanao. A counter-terrorism operation by the Special Action Force of the Philippine National Police in central Mindanao (Mamasapano) on 25 January 2015 led to the death of 44 members of the police, 18 members of the Moro Islamic Liberation Front and 6 civilians, after the Philippine National Police reportedly entered territories that were covered by the peace deal. This incident caused the Philippine Congress to suspend the passage of the Bangsamoro Basic Law and raised significant concerns regarding national unity, which ultimately compromised the passage of the Law, which was scheduled to be completed before the end of President Aquino's term in May 2016.

44. In February 2015, the Armed Forces of the Philippines declared an all-out offensive against the Bangsamoro Islamic Freedom Fighters, and law enforcement operations were conducted for months, resulting in the displacement of over 125,000 people. Following the end of the offensive and despite assurances by officials of the Autonomous Region in Muslim Mindanao that all internally displaced persons had returned to their homes and communities of origin, humanitarian agencies estimated that 2,102 families (some 10,399 persons) remained in evacuation centres or with host families at the time of the Special Rapporteur's visit, reportedly receiving no assistance from the authorities.

A Zamboanga

45. In September 2013, an offensive by a faction of the Moro National Liberation Front led to three weeks of intense fighting against the Armed Forces of the Philippines in the city of Zamboanga, in the southern island of Mindanao. The occupation of parts of the city and subsequent action by the Armed Forces to regain control resulted in approximately 118,000 persons being displaced and 10,000 houses destroyed. The Special Rapporteur visited Zamboanga and several transitional and permanent housing sites for internally displaced persons in the vicinity of the city.

46. At the time of the visit, some 24,600 people remained displaced nearly two years after the conflict. Some 2,902 families remained in transitional housing sites in the barangays of Masepla, Buggoc and Taluksangay, Kasayngan, Tulungatung. Some 2,022

Autonomous Region. See http://asianjournal.com/editorial/house-failure-to-pass-bangsamoro-basic-law/#sthash.z2Z5Zm64.dpuf.

[16] See www.philstar.com/headlines/2016/01/12/1541823/afp-insists-npa-strength-down-3900.

families were displaced in home-based settings (hosted by relatives or friends or renting homes). The National Housing Authority stated that 36 per cent of the projected permanent housing was complete.

47. The vast majority of those who remained displaced belonged to the Muslim minority in the majority Christian city. Out of over 17,000 internally displaced persons in 12 transitional sites across the city, almost two thirds were Tausug people, who originated from the Sulu archipelago and the northern part of Borneo Island, and about one third were indigenous peoples of Zamboanga, the majority of whom were Sama Dilaut (or Badjaos), sometimes referred to as "sea gypsies". The remaining internally displaced persons were from other indigenous groups or non-indigenous settlers.[17] Displacement has therefore particularly affected the poorest and most historically marginalized minority communities.

48. The Special Rapporteur visited transitional settlements as well as newly constructed permanent housing for the return of some affected communities. He was informed of some important progress by the authorities, including the publication of a Code of Beneficiaries Policy (to guide the allocation of housing assistance), completion of some permanent housing and progress towards durable solutions for some displaced communities. Significant challenges remain and the standard of shelters varies considerably, with reports that some basic needs are not being met.

49. The Special Rapporteur was informed about continuing protection concerns facing the internally displaced, including the closure of the Joaquin F. Enriquez Memorial Grandstand, where hundreds of families had taken refuge after the crisis. Although closure had reportedly been long planned and it was highly problematic, with incidents of crime and sexual assault, the Grandstand was hurriedly closed just days before the Special Rapporteur's visit. NGOs reported that the closure took place even though alternative housing for some families who had refused to move to transitional shelters and wanted to return to their original locations had not been ensured.

50. A number of interviewees criticized the general lack of information to people in evacuation centres or transitional sites and the lack of consultation, which left them uncertain about their options for resettlement and the expected time frame for their relocation to permanent housing. Providing information to people in home-based accommodation is particularly challenging, although it was noted that a city communications working group was actively trying to reach those living outside of collective settings.

51. Once the Grandstand closed, some families returned without assistance to a coastal area called Lupa Lupa, which the Special Rapporteur visited. While close to an area (Mariki) of newly constructed shelters and a school that was being used as temporary housing, some families were clearly in a particularly perilous situation, lacking adequate shelter, construction materials or basic services and assistance. Some had constructed makeshift shelters, while a few, including some elderly persons and children, had found the only shelter available under a bridge in unsanitary and dangerous conditions close to the water's edge.

52. Some permanent housing has been constructed in areas of origin. The Special Rapporteur visited Mariki, a coastal settlement destroyed during the conflict, which stands in marked contrast to nearby Lupa Lupa. As of June 2015, 127 units, built on stilts with walkways, had been completed. Some 642 beneficiaries, many temporarily housed in poor

[17] See www.humanitarianresponse.info/en/system/files/documents/files/ochaphilippines_humanitarian_bulletin_no8_august_2015_final.pdf.

conditions in the Mariki elementary school close by, were awaiting the completion of more units. The Special Rapporteur learned that internally displaced persons had been consulted on their housing needs, but he was concerned by claims of poor quality materials, lack of water and electricity and the cramped conditions of new homes for large families. A common response was that the new homes were an improvement on the condition prior to the conflict.

53. Many internally displaced persons first moved to evacuation centres, then to transitional sites and will finally move to permanent housing, which has resulted in additional costs and inevitable delays. The Special Rapporteur visited Mampang, a transitional site consisting of three housing areas. While providing adequate temporary shelter, these facilities are problematic due to lack of adequate water and electricity and essential services, including health care and education. They are far from the city and restrict access to the sea for Badjao indigenous fisher people. There were reports of security incidents and tensions with host communities. Humanitarian partners stressed that Mampang must be a short-term solution only and not evolve into a permanent housing site.

54. The Special Rapporteur visited the Kasanyangan Transitory Site which consisted of recovery shelters and where construction of new permanent houses on stilts for some 3,000 internally displaced families was taking place. The site has access to the sea and is considered more appropriate as permanent housing of fisher peoples. At the time of his visit, construction was in the early stages and seemed to have stalled. The conditions in the transitional sites appeared to meet the basic needs of internally displaced persons and to be adequate for short-term accommodation, while significant concerns remained regarding delivery of water and electricity and other essential services, including education and health care.

55. The Special Rapporteur emphasizes that permanent housing must be finalized urgently, equipped with all essential services and compliant with building standards. Any initiatives to provide permanent housing must also be culturally appropriate and take fully into account the wishes of the internally displaced communities regarding location, materials and access to livelihoods, for example access to the sea for fishing-based communities. Concerns were expressed by civil society regarding possible neglect and discrimination against some internally displaced persons, notably the Badjao people, a historically disadvantaged minority in the region.

56. The Special Rapporteur was informed by representatives of some Badjao fishing communities from Layag-Layag, Leha-Leha and Simariki, that their coastal homes were destroyed during the military operations and they had been displaced to evacuation centres. While eventually permitted to return to their places of origin 18 months later, they claimed that they did not receive support to rebuild their houses or to re-establish livelihoods in fishing and seaweed farming and were struggling to return to normality. Their requests included financial or material support to rebuild destroyed livelihoods.

57. Despite the adoption in December 2013 of the Zamboanga City Roadmap for Recovery and Reconstruction and funding in the amount of Pts 3.5 billion (about $70 million), obstacles to the return of some internally displaced persons or their resettlement elsewhere have delayed action or left some internally displaced persons ineligible for assistance. The authorities have prioritized those with certificated land titles or formal tenancy agreements. Many internally displaced persons lacked such status or documents and feared they would be excluded from assistance. Government plans provided for building 5,581 new houses and support to 1,661 families to rebuild their homes. NGOs pointed out that 10,000 homes had been destroyed in the conflict, leaving a significant shortfall.

58. Following a "census and tagging" exercise in 2014, the Government claimed that many internally displaced persons were "informal settlers" or "illegal squatters" who did not

originate from conflict-affected areas. They were consequently not included in reconstruction plans as legitimate or "tagged" internally displaced persons with serious implications for their continuing support. Alternative surveys by humanitarian partners disputed those findings and assessed that the vast majority of internally displaced persons had been residing in conflict-affected areas of Zamboanga for over five years.[18]

59. Problems in purchasing land for the construction of permanent housing hampered progress towards durable housing solutions. The designation of "no-build" and "no-return" areas on the grounds of disaster risk reduction have restricted return to some locations. Some considered that such designations were made on security grounds to avoid the repopulation of formerly Muslim areas considered sympathetic to the objectives of separatists. That concern particularly affected those whose livelihoods required access to the sea.

60. In October 2014, the Humanitarian Country Team adopted a durable solutions strategy for displaced persons in Zamboanga. However, poor levels of donor response and the capacity of the United Nations and other humanitarian and development partners significantly hindered progress. While significant aid was initially provided, Typhoon Haiyan struck just two months after the conflict and attention and resources shifted to that crisis. The Zamboanga Action Plan received only 47 per cent of the $12.8 million requested.

B. Maguindanao

61. The Special Rapporteur visited Cotabato City and the province of Maguindanao, located in the Autonomous Region in Muslim Mindanao. He was scheduled to visit various areas affected by conflict and disaster-induced displacement, including in the "SPMS Box",[19] an area of frequent clashes between the Armed Forces of the Philippines and armed groups, including the Bangsamoro Islamic Freedom Fighters. Regrettably, security issues and Government sensitivities limited access to these locations and he was restricted to consultations with government representatives, United Nations agencies and local civil society.

62. Ongoing conflict repeatedly causes large- and smaller-scale displacement. The region is also affected by annual flooding, which temporarily displaces around 100,000 people during the storm and monsoon seasons. This puts a heavy strain on the resilience of fragile communities and results in almost perpetual poverty and instability of livelihoods, security, shelter and food security. In 2012, the poverty rate in Maguindanao was 57.8 per cent, compared to the national average of 22.3 per cent.[20] For many, regular displacement has become the pattern of life and they feel that responses by national and regional authorities are inadequate.

63. Following the Mamasapano incident in January 2015 (see para. 43), the "All-Out Offensive" and the law enforcement operation by the Armed Forces of the Philippines against the Bangsamoro Islamic Freedom Fighters, in February and March 2015, resulted in the mass evacuation of some 24,000 families from municipalities in the region[21] to some 75

[18] A profiling conducted by Mindanao Protection Cluster in June 2014 in evacuation centres and transitional sites found that only 90 out of the 4,523 families surveyed did not come from the conflict-affected areas (UNHCR, June 2014).

[19] The "SPMS box" refers to the adjoining towns of Shariff Aguak, Pagatin (Datu Saudi), Mamasapano and Shariff Saydona, all in Maguindanao where the Bangsamoro Islamic Freedom Fighters operate.

[20] See www.mindanews.com/governance/2013/04/26/armm-is-poorest-region-in-2012-but-poverty-incidence-dropped-in-island-provinces/.

[21] Affected municipalities include Shariff Saidona Mustafa, Datu Salibo, Mamasapano, Rajah Buayan,

evacuation centres. Following this major offensive, the executive secretary of the Autonomous Region in Muslim Mindanao announced that, as of June 4, 2015, Maguindanao had "zero IDP".[22] However, the Special Rapporteur learned that random clashes continued and prevented displaced persons from returning, so that they continued to live in evacuation centres and to rely on humanitarian assistance.

64. The United Nations and local authorities have insufficient resources and capacity to respond adequately to the ongoing displacement situation. An inclusive and comprehensive peace is essential to removing the causes of displacement and to stabilizing the situation. Early adoption of the Bangsamoro Basic Law, which is intended to establish the Bangsamora political entity in the region and replace the existing Autonomous Region in Muslim Mindanao, may assist in this regard. In the meantime, the Government must strengthen its assistance and protection measures for internally displaced persons who are becoming the forgotten victims of this ongoing conflict.

65. The Special Rapporteur emphasized that the return of internally displaced persons to their homes alone does not fulfil the obligations of the Government to provide durable solutions. Even when displaced persons are able to quickly return, they still require immediate and continued support from the authorities, particularly if they have been displaced multiple times. Damage to their homes and livelihoods, disruption to farming, as well as the physical and psychological impact of insecurity and displacement all impact on the resilience of displaced persons and their ability to recover, particularly vulnerable persons, including the elderly and persons with disabilities.

66. Despite the relative autonomy of the Muslim region, security remains under the control of the national Government. The Armed Forces offensives against the Bangsamoro Islamic Freedom Fighters and heavy militarization of the region have contributed to the massive and ongoing displacement situation. However, local commentators claim that the humanitarian situation has been neglected — a consequence of the militarization by the national Government, which provides few funds and little support to the Autonomous Region in Muslim Mindanao for its humanitarian and recovery roles.

67. Much of the response to the conflict and flooding-induced displacement fails to the Autonomous Region in Muslim Mindanao and its Humanitarian Emergency Action and Response Team (HEART), created in August 2013 in response to the Zamboanga conflict and the ongoing conflict and flooding in Maguindanao, Lanao del Sur and other locations. With few resources, HEART's focus is on essential humanitarian assistance. It provides no assistance or compensation for the destruction of homes or crops and does not provide for relocation, resettlement or the provision of transitional or permanent housing. Consequently, few options exist for internally displaced persons other than return to conflict areas with the very real protection risks that this entails.

68. Reflecting on the response to displacement, one interviewee stated, "I have never seen an organized response to evacuation, return or the provision of assistance. Peoples' resources and capacity are weakened. The social fabric is broken. Families are on their own. People are vulnerable and don't know where they should go for safety." Armed Forces commanders presented their activities to protect civilians and rejected allegations that they were conducting military operations in civilian areas. However, civil society actors stated that civilians and internally displaced persons were viewed with hostility by the Armed Forces, who suspect them of harbouring and supporting insurgents.

Datu Saudi Ampatuan, Datu Unsay and Datu Montawal in Maguindanao, and Pikit and Pangalungan in North Cotabato.

[22] See http://mindanaoexaminer.com/maguindanao-idps-return-home/.

69. Attention to livelihoods, education and durable solutions is minimal in a region of extreme poverty, where the priority of internally displaced persons and assistance providers is immediate relief, food, water and emergency medical provision. The lack of data and information hampers assistance and monitoring of assistance and protection needs. While many are displaced to evacuation centres, some communities may seek safety in neighbouring villages and thus may be in remote or hard-to-reach locations, which makes information, communication and delivery of assistance difficult.

VI. Impact of internal displacement on indigenous people

70. With regard to the communist insurgency, the indigenous peoples of Mindanao, known as Lumads, have been disproportionately affected by the long-standing conflict between the Government and the New People's Army.[23] Many live in areas where the communist insurgency and counter-insurgency by the Armed Forces of the Philippines are taking place. Indeed, Lumads are often accused by the Armed Forces of being members or supporters of the New People's Army. Due to their unique lifestyles and particular association with and reliance on their ancestral lands, Lumads can be significantly affected by displacement.

71. From January 2015 to early October 2015, 10 internal displacement incidents involving Lumads and related to the activities of the Armed Forces of the Philippines and paramilitary groups were reported in four Mindanao regions (Regions X, XI, XIII and the Autonomous Region in Muslim Mindanao). Some 1,750 families (an estimated 8,689 persons) were displaced from the provinces of Agusan del Sur, Bukidnon, Davao del Norte, Maguindanao, Misamis Oriental, Surigao del Sur and South Upi, of which 1,264 families (an estimated 6,316 persons) remained displaced as of early November.[24]

72. To note some examples, on 9 August 2015, 84 families were reportedly displaced when members of Magahat-Bagani, a paramilitary group, interrogated and harassed villagers in Sitio Nalindog, Barangay Bolhoon, in the municipality of San Miguel, in the province of Surigao del Sur. Residents were accused of being supporters or members of the New People's Army. On 28 August 2015, in the neighbouring village of Siagao, around 332 families reportedly fled their homes when Magahat-Bagani threw a grenade into a house in the village, killing two brothers.

73. On 1 September 2015, in a village in northern Mindanao, in the municipalities of Lianga, Marihatag, San Agustin, San Miguel and Tago, members of the Manobo Lumad tribe were reportedly rounded up by the paramilitary group Magahat-Bagani. Three community leaders were beaten and arbitrarily executed and residents were accused of being affiliated with the New People's Army and threatened with death and burning of community schools if they did not leave. Around 573 families fled to the provincial capital of Tandag.[25] The Department of Justice ordered an investigation and an arrest warrant was issued on 28 September 2015, with the names of the alleged perpetrators, as some villagers identified the paramilitary group. However, as of February 2016, no arrests had been made and the displaced persons do not feel safe to return. Approximately 2,621 Lumads reportedly remained displaced and were receiving assistance in the municipal stadium in Tandag.

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[23] "Lumad" (meaning "native"or "indigenous") is a term used by the indigenous peoples from the southern Philippines to refer to themselves. They are considered the original inhabitants of the island of Mindanao.

[24] Data from Mindanao Protection Cluster (UNHCR).

[25] See www.aljazeera.com/indepth/inpictures/2015/09/displaced-Lumads-mindanao-150929074732377.html.

74. Lumad groups have publicly protested against being caught up in a conflict, which is not their own, which is being carried out on their ancestral domains and in which they are manipulated and exploited by both parties to the conflict. Lumads, human rights organizations and others have accused the Armed Forces of the Philippines of creating and arming the indigenous peoples paramilitary groups, known as "Alamara" or "Magahat-Bagani", which are both actively engaged in fighting the New People's Army and which very often protect the interests of public and private development projects and companies. The Armed Forces of the Philippines denies any such links to these indigenous peoples paramilitary groups.

75. From January 2015 to early October 2015, 17 Lumad leaders, activists, or villagers, including one child, were confirmed killed, seven of which are considered incidents of extrajudicial killings. The Commission on Human Rights of the Philippines has denounced the violations of the rights of the Lumads by both sides. It highlighted 35 cases of extrajudicial killings from 2001 to September 2015, involving 59 members of indigenous peoples communities, of which, 10 cases were allegedly perpetrated by the Armed Forces of the Philippines, while 8 cases were attributed to the New People's Army.

76. Lumad ancestral lands are resource-rich and there is encroachment onto them by public and private development projects, extractive companies, large-scale plantations and small-scale illegal mining and logging, carried out increasingly by local paramilitary groups. This is a factor in the complex dynamics of the ongoing conflict and displacement that requires increased attention. It is in the interests of some to maintain instability and displace Lumad groups so as to pursue mining or logging activities. Lumads in northern and eastern Mindanao reported that they had returned after displacement to find mining equipment or fenced off areas on their land. When they have resisted these activities, they, their families and, in some areas, entire communities have been threatened and harassed and many have been killed.

77. The Indigenous Peoples' Rights Act is an exemplary law which includes the rights to ancestral domain, self-governance and empowerment, social justice and cultural integrity. The Act established the National Commission on Indigenous Peoples, which has been mandated to "protect and promote the interest and well-being of the Indigenous Cultural Communities and Indigenous Peoples with due regard to their beliefs, customs, traditions and institutions". However, its implementation in practice is deeply flawed and the structure and processes established to uphold those rights are reportedly often misused against indigenous peoples.

A. Haran Centre, United Church of Christ in the Philippines, Davao City

78. The Special Rapporteur learned about the situation of some 700 Lumads who had been displaced from Talaingod and Kapalong in Davao del Norte and were living at the Haran Centre facilities, run by the United Church of Christ in the Philippines in the city of Davao. According to the Lumad leaders and clergy in the church, the Lumads had been in the facility for several months due to a long history of conflict and militarization of their localities, which had begun in the mid-1990s with the arrival of a large logging company. The Special Rapporteur travelled to Davao City to consult with the authorities and the Lumads themselves.

79. The Armed Forces of the Philippines and a few prominent politicians claim that "leftist" organizations aligned with the communists coerced the Lumads into moving to Davao, where they are used to further their political agendas. Armed Forces representatives asserted that the Lumads were the victims of "trafficking" and were being held against their will. The Armed Forces stated its intention to protect the communities and wanted those in

Davao to return to their homes. Legal action was taken against groups supporting the Lumads, but those cases were dismissed due to lack of evidence.[26]

80. The authorities alleged that suicides had occurred and that some members of the community had sought their assistance to leave. They indicated that concern over the welfare of women and children had led to an operation by the riot police to gain access to the Haran Centre, which had resulted in a violent response. They claim that conditions are crowded and unsanitary and pose a risk to the health and welfare of those in the facility, including children and the elderly.

81. Having informed the Government, the Special Rapporteur visited the Haran Centre unannounced to meet Lumad leaders. They stated that they were not detained against their will and that the military, paramilitary and New People's Army presence in their communities created danger and anxiety for their communities. They wished to return, but stressed that they could only do so safely if the long-term militarization ends and they have guarantees of safety, dignity and protection. They described forced recruitment into paramilitary groups which allegedly operate under the auspices of the Armed Forces of the Philippines and regular harassment by the Armed Forces in the context of the conflict. Following his visit, the Special Rapporteur was informed that, at the end of December 2015, 295 people left the Haran Centre to return to their territories. The paramilitary group, Alamara, allegedly killed a 15-year old boy, resulting in their return to the Haran Centre.

82. The demands of the Lumads include the following: disband and disarm paramilitary groups; cease forced recruitment; arrest and prosecute paramilitary or military forces that engage in violence against civilians; stop "tagging" individuals as New People's Army suspects; withdraw the Armed Forces troops from communities; ensure that schools operate freely without interference or military/paramilitary presence, threats or violence; ensure that their schools are accredited in a timely manner; ensure a functioning rule of law and law enforcement; and provide social services to indigenous peoples equal to that provided to people in other areas of the country.

83. The Lumads stated that they had lost trust in the National Commission on Indigenous Peoples, which they consider to be working with the authorities and the Armed Forces of the Philippines against their interests. They also expressed distrust of the independence of the Commission on Human Rights. Public inquiries held by the Commission on the Haran Centre case failed to gain the confidence of the Lumads, who perceived bias towards the Government's position.

84. Lumad concerns include ensuring the preservation of indigenous lands and culture and the certification of ancestral domains, as well as transparent processes and adequate information dissemination regarding development projects. They claim that their schools have been closed and/or occupied by the Armed Forces or paramilitaries, which has hampered education for indigenous children. During a field visit to Talaingod and Kapalong conducted by the United Nations following the Special Rapporteur's visit, interviews with the communities confirmed the views of those in the Haran Centre.

[26] In July 2015, charges under article 267 of the Revised Penal Code on Kidnapping and serious illegal detention and the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208) were filed against various groups for helping Lumads evacuate their ancestral lands and find a temporary refuge in the Haran Compound, Davao City. They were dismissed by the Davao City Prosecutor's Office due to insufficient evidence.

B. Tampakan

85. Mindanao has some of the Philippines' largest gold, nickel and copper deposits in areas including Davao, Agusan del Sur and Surigao del Sur. Many are in the ancestral domains of the Lumads. Lumad lands are targeted by extractive mining companies which encroach on the lands often with the support of the Government. Corporations are engaged in logging, plantations and development projects. Armed groups are also engaged in small-scale, often illegal, mining and logging on indigenous peoples' land. These activities have been characterized as "development aggression" without consultation with the Lumads, as required by the Indigenous Peoples' Rights Act.

86. The Special Rapporteur visited Koronadal and Tampakan in South Cotabato Province, a site of potential mass displacement due to a proposed open-pit mining project in Tampakan. If implemented, this project would be located on the boundaries of South Cotabato, Sultan Kudarat, Davao Del Sur and Sarangani, and would displace over 5,000 people, the majority being Balaan indigenous peoples, from their recognized ancestral lands. The project has been put on hold by the Governor of South Cotabato, however, indigenous leaders expressed their fears that it would eventually proceed despite their objections.

87. Indigenous peoples expressed frustration that consultation processes, including the process to obtain their free, prior and informed consent had not been transparent or inclusive of their chosen tribal leaders nor had it taken adequate account of their views and rights to the land and to the maintenance of their cultures and lifestyles. One unverified account claimed that the Lumads were asked at a meeting who had not had lunch, and when the majority raised their hands, a photograph was taken and subsequently used to suggest their agreement to the project.

88. Indigenous peoples stated that the actions of mining companies and those in support of the project had created tensions in an attempt to deliberately divide the community. The mining operation has led to a military presence (the 27th Infantry Battalion) in the region, which many opposed to the project blame for the killing of a number of anti-mining activists and Lumad leaders and members of their families, including the pregnant wife and two sons (aged 13 and 8) of Daguil Capion, on 18 October 2012, and his brother in 2013.[27]

89. A human rights impact assessment, published in July 2013,[28] found that the Tampakan Mining Project would have significant impacts on the human rights situation in the area. It was embedded in a context characterized by a combination of prevailing poverty, a high level of marginalization and discrimination against indigenous groups, especially in terms of basic services, the Government's failure to meet its human rights duties, and an overall volatile conflict situation, interrelated with other factors. This amounted to a scenario in which a responsibly operated open-pit mine of such large scale did not seem feasible. The Philippine Government bears the major responsibility for this fragile situation in the Tampakan area.

90. The report stated that if the project proceeded, there would be a high risk of cultural loss and violations of cultural rights of the indigenous people affected by the mine. Thousands of members of the Balaan communities would be relocated and thereby lose their land, which interviewees described as the backbone of their everyday routines, their religious traditions and their source of food.

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[27] The Government considers Daguil Capion a bandit and disputes that its actions are related to his anti-mining activities. He was arrested by security forces on 16 July 2015 on charges including murder and robbery.

[28] See www.fastenopfer.ch/data/media/dokumente/entwicklungspolitik/soziale_unternehmensverantwortung/menschenrechte_in_tnc/tampakan/study_tampakan_HRIA_engl.pdf.

VII. Conclusions and recommendations

A. Conclusions

91. No country could be prepared for the devastating impact of an event such as Typhoon Haiyan, which tragically demonstrated that the Philippines is on the front line of climate change-related extreme weather events. The Government and people must be commended for their extraordinary resilience and efforts to rebuild devastated infrastructure and communities. Institutional and policy frameworks have proved effective in the immediate crisis response and as the process of recovery began. Hard lessons have been learned and will benefit international partners and all States affected by similar crises.

92. However, two years on, it appears that attention and resources required to achieve durable solutions for persons internally displaced by Haiyan are waning. For a country prone to disasters and enduring long-standing conflicts, it is vital to translate international standards, including the 1998 Guiding Principles on Internal Displacement and the Framework on Durable Solutions for Internally Displaced Persons, into domestic law. To delay further sends a wrong signal about the commitment of the Government and withholds essential legal protection from internally displaced persons. A law on internally displaced persons must give due attention to all forms of displacement, including conflict and development-induced displacement.

93. The objective of achieving durable solutions for internally displaced persons has not been given the necessary attention to date and must inform policies and strategies at all stages of response. Return alone or with short-term assistance does not constitute a durable solution. International standards stipulate that durable solutions are achieved when internally displaced persons no longer have specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.

94. Funding shortfalls, delays in allocation and distribution of funds and political challenges, including inadequate cooperation between national and local governments, are hampering essential recovery processes. Despite massive allocation of government funds and unprecedented international funding, progress has been slow or stalled in some locations. Allegations of corruption, unaccounted-for funds and mismanagement or redirection of funds must be investigated and the results made public.

95. Relative neglect of conflict-induced displacement and internally displaced persons is evident and must be addressed. While commendable national plans, institutions and budgets exist for disaster response, there is little such attention paid to those displaced by conflict. The protracted conflicts and displacement in Mindanao have become a "forgotten crisis" and the internally displaced persons, neglected victims. Attention to their needs and rights must be given the same priority as internally displaced persons elsewhere in the country.

96. The Government must fulfil its responsibility to ensure restitution of property and/or provide compensation and reparation to all internally displaced persons whose homes, property and livelihoods were damaged or destroyed by disaster, during conflict or as a result of displacement due to development projects. Transparent, non-discriminatory mechanisms should be established to process housing, land and property claims.

97. Detailed profiling of internally displaced persons in all regions should be ongoing and include an assessment of numbers, needs and intentions. Many internally displaced persons living outside of collective transitional shelters or evacuation centres are particularly difficult to reach, however, there must be concerted efforts to access them and ensure that they have access to information, services and durable solutions.

B. Recommendations

To the Government of the Philippines:

Response to Typhoon Haiyan (Yolanda)

98. Recognizing that durable solutions require multisectoral approaches, the Government must intensify its attention to ensuring that permanent housing and livelihood restoration are completed as quickly as possible for all affected persons.

99. The immediate needs of internally displaced persons remaining in bunkhouses or transitional shelters must be assessed and service provision to them improved and guaranteed, including water and sanitation, electricity, medical services and access to education. Protection concerns must be addressed, including for women, children and other vulnerable persons.

100. National Government and local government units must work in closer cooperation based on national legal and policy requirements and in the interest of all affected persons and reach a common understanding regarding priorities, roles and responsibilities, with adequate funding provided.

101. A deficit in genuine consultation with and participation of internally displaced persons in planning and decision-making has resulted in frustration and anxiety among some communities for which progress has been slow. Consultation and information provision is a right of internally displaced persons and allows them to realize the right to choose durable solutions that best meet their needs.

102. Culturally appropriate and gender-sensitive livelihood programmes should be implemented, including for women heads of households, as an essential component of durable solutions. Those dependent on coastal-based livelihoods should be assisted to resume such activities.

103. A rights-based and inclusive approach should be taken to ensure that all affected persons are addressed and that criteria for assistance do not unfairly exclude any person. Profiling, a full needs assessment and verification exercises are required during this crucial transition period between early recovery and the attainment of durable solutions.

Conflict-induced displacement

104. It is essential that the national Government and its local government counterparts ensure all necessary assistance and support to conflict-related internally displaced persons. To date, in locations such as Maguindanao, this has not been the case, leaving already impoverished families unsupported and highly vulnerable.

105. While steps have been taken by the military to improve its human rights record, training and operational impact on civilian communities, these fall short of required standards under international humanitarian and human rights law and should be intensified and applied consistently. Equally, the military activities of non-State armed groups in civilian populated areas contravene international law and must cease.

106. To the extent possible, the international presence in Mindanao should be maintained and strengthened in view of the current volatile situation in relation to the ongoing armed conflicts and the many protection issues.

Zamboanga

107. Two years after the conflict in 2013, nearly thousands remain in transitional shelters or other non-permanent housing, some in conditions which fall far short of minimum standards. The Government must step up efforts to rapidly provide permanent housing in consultation with internally displaced persons, so as to ensure access to livelihoods, services and tenure security.

108. Transitional sites, such as Mampang, have generally poor conditions and service provision and are inappropriate to the cultures and livelihoods of many internally displaced persons. They must not transition into permanent housing and resources must instead be directed to finding more appropriate locations.

109. Where return to areas of origin is not possible, displaced persons must be consulted and informed in a timely manner about their options, and subsequent movement must be on a voluntary basis. Meeting their location preferences should be a high priority and necessary support provided. Information and assistance must be provided to internally displaced persons in home-based accommodation, which should not be considered as a durable solution.

110. The Government must ensure that its responses do not differentiate against any displaced community on the basis of their identity, religion or belonging to a minority or indigenous community and fully respect the right to freedom of movement.

111. Government's claims that many in transitional shelters are not legitimate internally displaced persons are highly problematic. Authorities must adopt an inclusive approach and ensure adequate housing, services and support for all, without discrimination, recognizing that many lost, or never had, formal ownership or tenancy documents.

Maguindanao

112. In Maguindanao, displacement has become an ever-present threat and a consistent reality for some communities. Breaking the cycle of violence and displacement that has gone on for decades is essential and requires leadership by the Government and its armed forces as well as the leaders of non-State armed groups.

113. A political solution must remain high on the Government's agenda and that of the international community. The passing of a law as mandated under the Comprehensive Agreement on the Bangsamoro should be a high priority and would provide an important basis for lasting peace.

114. Appropriate funding and resources must be provided by the national Government to all internally displaced persons in an equal manner across all regions of the country. The immediate humanitarian assistance provided to persons who have been displaced by conflict and flooding must be improved. Funding must also be targeted towards strategies to achieve durable solutions for internally displaced persons.

115. Return of internally displaced persons to places of origin alone does not fulfil the obligations of the Government to find durable solutions. Even when internally displaced persons are able to return to their place of origin relatively quickly, they require immediate and continued support from the authorities, particularly when livelihoods have been affected.

Impact of displacement on indigenous peoples

116. **Displacement of indigenous peoples has an incalculable impact on indigenous cultures and ways of life that are part of the rich and diverse cultural heritage of the Philippines, which must be protected and respected.**

117. **The protection of the rights of indigenous peoples displaced or threatened by displacement must be strengthened in law and in practice. The Indigenous Peoples' Rights Act must be fully implemented and specific provisions on the rights of indigenous peoples should be included in the final law on the rights of internally displaced persons.**

118. **Indigenous peoples are severely affected by displacement, given their ties to ancestral lands, and may have more challenges in adopting coping mechanisms for survival when displaced. The Government, in consultation with the affected peoples, should pay greater attention to addressing the often complex causes of their displacement, including the militarization of their areas, natural or man-made disasters and resource development.**

Haran Centre, United Church of Christ in the Philippines, Davao City

119. **It is essential to find a rapid and peaceful solution that takes into account the demands of the Lumads in the Haran Centre so as to ensure their voluntary, secure and sustainable return to their ancestral lands. The humanitarian and protection needs of these vulnerable internally displaced persons must be the highest priority of all involved parties.**

120. **Any solution must be peaceful and achieved in full consultation with the Lumads. Any attempt to remove them by force is inappropriate, unnecessary and may escalate an already tense situation, resulting in fatal consequences.**

Tampakan

121. **While it is beyond the mandate of the Special Rapporteur and the scope of this report to make conclusive assessments of specific development projects, the actual or potential internal displacement of thousands of Lumads justifies attention by the Special Rapporteur.**

122. **Under the Guiding Principles on Internal Displacement, development projects must have a legitimate aim and be justified on public grounds by a threshold of "compelling and overriding public interests" (see principle 6 (2) (c)). Under principle 9, States have a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.**

123. **At every stage of development projects, international standards on the rights of indigenous peoples must be fully adhered to, including their rights to land and property, their participation and consultation and the free, prior and informed consent of affected communities.**

124. **The Special Rapporteur considers that these obligations have not been adhered to with regard to the Tampakan mining project. The rights of affected Lumads who face displacement due to the project have been and continue to be violated. A full review should be undertaken by independent and impartial actors.**

To the international community:

125. **International assistance remains a vital component of the overall response and to ensuring durable solutions for internally displaced persons in the Philippines. The international community is urged to maintain its technical and financial support, particularly for environmental risk assessment and disaster management.**

126. **The international community should stand ready to respond effectively to disaster-related displacement in the Philippines, in line with the recommendations contained in the Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. It should equally provide support to the Philippines for the effective implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 as well as measures of adaptation to climate change under the 2015 Paris Agreement on climate change.**

127. **The international community should support the peace efforts in Mindanao and maintain an effective protection and humanitarian presence in Mindanao.**